

R E M A R K S

Request to Return Initialed Form PTO/SB/08A

Applicants filed a paper entitled REQUEST FOR INITIALED COPY OF FORM PTO/SB/08A on August 7, 2004, wherein the Examiner was requested to return a copy of the Form PTO/SB/08A filed July 11, 2006, with the Examiner's initials in the left column next to each cited publication to indicate that the cited publications were considered and made of record. Applicants have not received a reply to this request and, therefore, applicants reiterate their request for an initialed copy of the Form PTO/SB/08A filed July 11, 2006.

Request for Corrected Form PTO-892

The July 29, 2003 Office Action included a Notice of References Cited (Form PTO-892) which cited "WO 98/39532" to Imanishi et al. This citation is incorrect. The correct citation is "WO 98/39352" (see sheet 1 of applicants' Form PTO/SB/08A dated October 31, 2001, wherein WO 98/39352 is cited). The Examiner is respectfully requested to issue a corrected Form PTO-892.

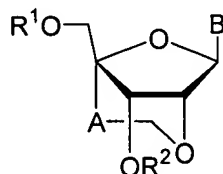
Request for Acknowledgment of Applicants'
Claim for Priority Under 35 USC 119

The Examiner is respectfully requested to acknowledge applicants' claim for priority under 35 USC 119 and to acknowledge receipt of the certified copy of the priority document which was filed on August 9, 2001.

Applicants' Claims

As representative of applicants' present claims, applicants' claims 1 and 62 are reproduced as follows:

Claim 1. A compound of formula (1):



(1)

wherein:

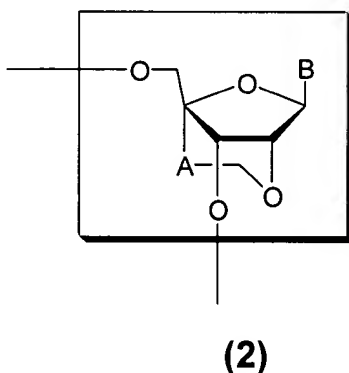
R¹ and R² are the same or different and are selected from the group consisting of hydrogen atoms, hydroxyl protecting groups, phosphate groups, protected phosphate groups and a group of

formula $-P(R^3)R^4$, wherein R^3 and R^4 are the same or different and are selected from the group consisting of hydroxyl groups, protected hydroxyl groups, mercapto groups, protected mercapto groups, amino groups, alkoxy groups having from 1 to 4 carbon atoms, alkylthio groups having from 1 to 4 carbon atoms, cyanoalkoxy groups having from 1 to 5 carbon atoms and amino groups substituted by an alkyl group having from 1 to 4 carbon atoms;

A represents a methylene group; and

B is selected from the group consisting of unsubstituted purin-9-yl groups, unsubstituted 2-oxo-pyrimidin-1-yl groups, and substituted purin-9-yl groups and substituted 2-oxo-pyrimidin-1-yl groups having at least one substituent α selected from the group consisting of hydroxyl groups, protected hydroxyl groups, alkoxy groups having from 1 to 4 carbon atoms, mercapto groups, protected mercapto groups, alkylthio groups having from 1 to 4 carbon atoms, amino groups, protected amino groups, amino groups substituted by an alkyl group having from 1 to 4 carbon atoms, alkyl groups having from 1 to 4 carbon atoms and halogen atoms; or a salt thereof.

Claim 62. An oligonucleotide analogue comprising two or more nucleoside units wherein at least one of said nucleoside units is a structure of the formula (2):



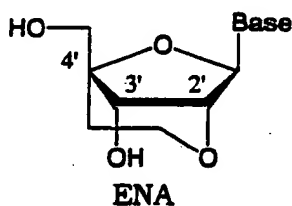
wherein:

A represents a methylene group; and

B is selected from the group consisting of an unsubstituted purin-9-yl group, an unsubstituted 2-oxo-pyrimidin-1-yl group, a purin-9-yl group substituted with at least one substituent α and a 2-oxo-pyrimidin-1-yl group substituted with at least one substituent α , said substituent α being selected from the group consisting of an unprotected hydroxyl group, a protected hydroxyl group, an alkoxy group having from 1 to 4 carbon atoms, an unprotected mercapto group, a protected mercapto group, an alkylthio group having from

1 to 4 carbon atoms, an unprotected amino group, a protected amino group, an amino group substituted by an alkyl group having from 1 to 4 carbon atoms, an alkyl group having from 1 to 4 carbon atoms and a halogen atom; or a salt thereof.

The gist of applicants' claims is the following compound:



The oligonucleotide analogues of applicants' present claims exhibit antisense or antigene activity having excellent stability, and exhibit excellent activity as a detection agent (probe) for a specific gene or as a primer for starting amplification. The nucleoside analogues of applicants' present claims are intermediates for the production of the aforesaid oligonucleotide analogues.

Oligonucleotide analogues which have excellent antisense or antigene activity and which are stable in the body are expected

to be useful pharmaceuticals. In addition, oligonucleotide analogues having a high degree of stable complementary chain formation ability with DNA or mRNA are useful as detection agents for a specific gene or as primers for starting amplification.

In contrast to applicants' claimed oligonucleotides, naturally-occurring oligonucleotides are known to be quickly decomposed by various nucleases present in the blood and cells. In some cases, naturally-occurring oligonucleotides may not have sufficient sensitivity for use as detection agents for specific genes or as primers for starting amplification due to limitations on their affinity with complementary base sequences.

The non-naturally occurring oligonucleotide analogues of applicants' present claims have the ability to form a stable complementary chain with DNA or mRNA, have greatly improved stability with respect to various nucleases and have a low incidence of adverse effects.

Rejection Under 35 USC 103

Claims 1 to 9, 19 to 27, 37 to 45, 55 to 66, 68, 70, 72, 74, 76 and 103 to 118 were rejected under 35 USC 103 as being

unpatentable over Wengel et al. (USP 6,794,499) (hereinafter referred to as "Wengel et al.") for the reasons set forth on pages 3 to 7 of the Office Action.

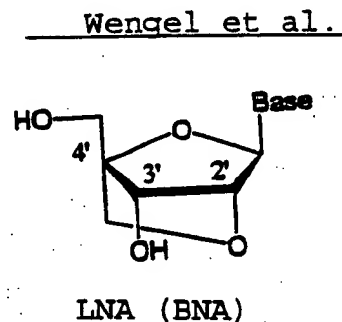
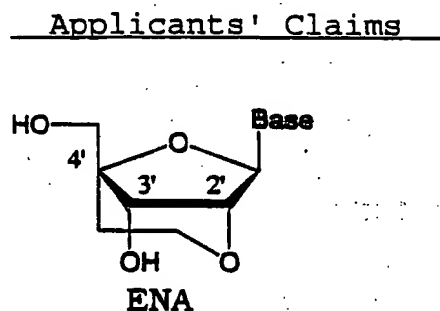
It was admitted in the Office Action that Wengel et al. do not specifically teach the features like the various substituted bases, specific groups like 2- and 4-chlorophenyl phosphate groups, etc., recited in the instant claims.

The Comparison Data of Record Should be Considered

The Office Action, in the paragraph bridging pages 4 and 5 and in the first full paragraph on page 5 identifies the specific portion of Wengel et al. which is relied upon as allegedly rendering applicants' claimed subject matter "obvious." With reference to applicants' claimed compounds, Wengel et al., column 27, line 66 through column 28, line 59, is relied upon in the Office Action for its disclosure of compounds of the formula IIa which have a bi-radical bridge across the R^{2'} and the R^{4'} positions, which is selected from the groups of bi-radicals identified in column 28, lines 22 to 25 and column 28, lines 37 to 41.

As explained in applicants' AMENDMENT UNDER 37 CFR 1.111 filed November 8, 2006, the Wengel et al. disclosure does not

disclose compounds having the ENA bridge which is specified in all of applicants' claims, nor are applicants' claimed ENA bridged compounds within the group of the compounds noted as being preferred (see column 28, lines 24 and 25 and lines 40 and 41 of Wengel et al.). The structural formulas set forth below point out an essential structural difference between applicants' claimed compounds (ENA) and the Wengel et al. closest compound (BNA). The structural difference is that the 2'-4' bridge in Wengel et al. is $-O-CH_2-$, whereas in applicants' claimed compounds, the 2'-4' bridge is $-O-CH_2-CH_2-$, i.e., a difference of one methylene group.



The portions of the Wengel et al. disclosure identified on page 5 of the Office Action, first full paragraph, relate to the disclosure in Wengel et al. of oligomers and compositions comprising oligomers, and also refers to the nucleobases

disclosed by Wengel et al. None of this disclosure is more closely related to the ENA compounds, the ENA containing oligomers and the other ENA compositions identified in applicants' claims than the disclosure bridging columns 27 and 28 of Wengel et al., which is discussed in the preceding paragraphs.

The legal basis for the rejection which is set forth in the paragraph bridging pages 6 and 7 of the Office Action is largely based on the discussion in MPEP 2144.08(A)(4)(d) which sets forth the requirements for the Examiner to establish a *prima facie* case of obviousness. Five decisions are cited on page 7 of the Office Action.

Of the five decisions cited on page 7 of the Office Action, in Dillon and in Linter, no rebuttal evidence was submitted and the *prima facie* obviousness rejection was affirmed.

In Deuel, no rebuttal evidence was submitted, and the *prima facie* obviousness rejection was reversed as to some claims and affirmed as to other claims.

In Grabiak, the rejection was reversed on the basis that the USPTO did not establish a *prima facie* case, notwithstanding that the applicant did not present rebuttal evidence.

In Wilder, the *prima facie* obviousness rejection was affirmed, notwithstanding that rebuttal evidence in the form of

comparison data was presented, because the comparison was between the claimed compound and another compound which was not the prior art compound relied upon in the rejection.

The present situation differs from the fact situation in each of the cases cited in the Office Action in that relevant detailed rebuttal evidence has been submitted.

Assuming *arguendo* for purposes of this argument that the Office Action establishes a rejection based upon *prima facie* obviousness, the applicant may overcome the *prima facie* case of obviousness by submitting relevant rebuttal evidence which must be considered. MPEP 2144.05(B)(III) states that a *prima facie* case of obviousness may be rebutted by showing that the art, in any material respect, teaches away from the claimed invention and also that a *prima facie* case of obviousness may be rebutted by establishing criticality and/or unexpected results. MPEP 2144.08(B), second paragraph, provides as follows:

"Office personnel should consider all rebuttal arguments and evidence presented by applicants. See, e.g., *In re Soni*, 54 F.3d 746, 750, 34 USPQ 2d 1684, 1687 (Fed. Cir 1995) (error not to consider evidence presented in the specification). C.f., *In re Alton*, 76 F.3d 1168, 37 USPQ 2d 1578 (Fed. Cir 1996) (error not to consider factual evidence submitted to counter a 35 U.S.C. 112 rejection); *In re Beattie*, 974 F.2d 1309, 1313, 24 USPQ 2d 1040, 1042-43 (Fed. Cir. 1992) (Office personnel should consider declarations from those

skilled in the art praising the claimed invention and opining that the art teaches away from the invention.); *Piasecki*, 745 F.2d at 1472, 223 USPQ at 788."

The Office Action in the last full paragraph on page 6 states as follows:

"The Declaration of Koizumi and the attached Certificate of Experimental Results have been considered but are not found to be persuasive. Applicants' arguments and the Declaration filed are directed to properties such as stability and activity of the instant compounds, which are limitations that are not recited in the instant claims."

There is no requirement that a claim must recite an unexpected result as a prerequisite for reliance on Declaration evidence which establishes such unexpected result. See In re Merchant, 197 USPQ 785, 788 (CCPA 1978):

"Finally, the solicitor repeats the objection voiced by the examiner that the declaration is irrelevant because the claims specify neither the unexpected result nor the 'features' that produce that result. We are aware of no law requiring that unexpected results relied upon for patentability be recited in the claims."

Inherent advantages which render claims patentable over the prior art need not be recited in the claims. In re Estes, 164 USPQ 519, 521 (CCPA 1970).

Claims directed to chemical compounds or chemical compositions which fully identify the claimed subject matter and which may be *prima facie* obvious, are patentable when the

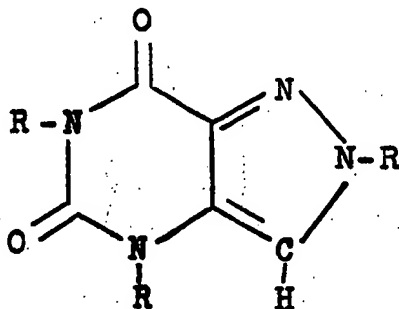
applicant establishes that the claimed compound or composition has an unexpected property, notwithstanding that the claims do not recite said unexpected property. The application of this statement of law to the claims in the present application is illustrated by the decisions discussed hereinafter.

In In re Papesch, 137 USPQ 43, 44, 51 (CCPA 1963), the court stated the facts and the legal basis for its decision holding the claimed compounds to be patentable, notwithstanding that the claimed alkyl substituents differed from the prior art by a methylene group, as follows:

"The trialkyl compounds of this invention have been found to possess unexpectedly potent anti-inflammatory activity in contrast to the related trimethyl compound. The instant compounds are also diuretic agents.

Claim 1 reads:

A compound of the structural formula



wherein R is a lower alkyl radical containing more than one and less than five carbon atoms.

Claim 2 is specific to a compound within claim 1 wherein each R is an ethyl radical (which has, inter

alia, 2 carbon atoms) and claim 3 is specific to the n-butyl compound wherein the alkyl radicals each contain 4 carbon atoms. There are no other claims and the legal issue is such that it is unnecessary to distinguish between the claims." (137 USPQ 44, right column)

* * * * *

"From the standpoint of patent law, a compound and all of its properties are inseparable; they are one and the same thing. The graphic formulae, the chemical nomenclature, the systems of classification and study such as the concepts of homology, isomerism, etc., are mere symbols by which compounds can be identified, classified, and compared. But a formula is not a compound and while it may serve in a claim to identify what is being patented, as the metes and bounds of a deed identify a plot of land, the thing that is patented is not the formula but the compound identified by it. And the patentability of the thing does not depend on the similarity of its formula to that of another compound but of the similarity of the former compound to the latter. There is no basis in law for ignoring any property in making such a comparison. An assumed similarity based on a comparison of formulae must give way to evidence that the assumption is erroneous." (137 USPQ 51, right column)

The above-identified claims were held patentable notwithstanding that the closest prior art compound was of the same general formula, except that "R" was the methyl radical and the fact that said patentable claims did not recite the advantageous property which was relied upon to rebut the *prima facie* obviousness rejection.

In In re Lunsford, 148 USPQ 716 (CCPA 1966), the court held that claim 4, which recited only the claimed compound "5-(p-chlorophenoxyethyl)-2-oxazolidone" was patentable over the corresponding compound having the chloro atom in the ortho position because comparative evidence had established that the claimed compound had superior effectiveness against electro-shocked-induced convulsions (which property was not recited in the claim).

In In re Chupp, 2 USPQ 2d 1437, 1438 (Fed. Cir. 1987), the court noted the difference between the claimed subject matter, and the prior art was one methylene group, as follows:

"Chupp canceled all but eleven claims and limited the remaining claims to a single compound, N-(ethoxymethyl)-2'-trifluoromethyl-6'-methyl-2-chloroacetanilide. That compound differs by a single methylene group (-CH₂-) from the closest prior art compound, (N-(ethoxyethyl)-2'-trifluoromethyl-6'-methyl-2-chloroacetanilide, disclosed in the Swiss patents. Chupp apparently did not challenge the examiner's conclusion that the Swiss patents rendered the claimed compound *prima facie* obvious." (2 USPQ 2d 1438, left column) (emphasis supplied)

* * * * *

"Chupp appealed the rejection to the board, canceling all remaining rejected claims except 1 and 12. Claim 1 sets forth the compound and its structure. Claim 12 sets forth an '[h]erbicidal composition comprising an adjuvant and a herbicidally effective amount of the compound' and the compound's structure." (2 USPQ 2d 1438, right column)

The court held that said claims 1 and 12 were patentable based on a showing of unexpected properties. The court discussed the applicable law at 2 USPQ 2d 1439 as follows:

"We do not agree with the Solicitor's construction of Papesch. Papesch held that a compound can be patented on the basis of its properties; it did not hold that those properties must produce superior results in every environment in which the compound may be used. To be patentable, a compound need not excel over prior art compounds in all common properties. See *United States v. Ciba-Geigy Corp.*, 508 F. Supp. 1157, 1169, 211 USPQ 529, 535-36 (D.N.J. 1979). Evidence that a compound is unexpectedly superior in one of a spectrum of common properties, as here, can be enough to rebut a *prima facie* case of obviousness. *In re Ackermann*, 444 F.2d 1172, 1176, 170 USPQ 340, 343 (CCPA 1971)."

In *In re Soni*, 34 USPQ 2d, 1685 (Fed. Cir. 1995), the court held that a claim directed to a melt-process polymer composition, which specified the polymer and a particulate conductive filler, was patentable over the prior art composition based on a showing of improved tensile strength and other improved properties, notwithstanding that the claim did not recite the improved properties.

Although the Papesch is a 1963 decision, it clearly illustrates the applicable law and is frequently cited in court decisions to date. The MPEP LIST OF DECISIONS CITED identifies four sections which cite the Papesch decision for establishing and/or supporting a point of law. Three of the sections (MPEP

716.02(a), 2141.02 and 2144.09) are relevant to the reliance on the Papesch decision herein. The 1987 Chupp decision is cited twice in the MPEP to support points of law discussed therein; the discussion in MPEP 716.02(a)II is in point with applicants' reliance on this case as discussed hereinbefore. The 1995 Soni decision is cited twice in said LIST OF DECISIONS CITED. MPEP 2144.08(B) which, as quoted hereinbefore, supports applicants' reliance on the Soni decision. The 1978 Merchant decision is cited approvingly in the MPEP, but on a discussion of law not directly relevant to the discussion hereinbefore. The Estes decision and the Lunsford decision are not cited in the MPEP LIST OF DECISIONS CITED.

It is respectfully submitted that the applicable law requires that the rebuttal evidence, which establishes unexpectedly improved properties which are an inherent characteristic of applicants' claimed subject matter, must be considered notwithstanding that said improved properties are not recited in applicants' claims. It is further respectfully submitted that the rebuttal evidence of record, as discussed hereinafter, establishes that applicants' claims have unexpectedly improved properties relative to the closest prior art, notwithstanding that the claims do not recite said inherent

properties which are unexpectedly improved relative to the closest prior art.

Comparison Data

The comparison data of record discussed hereinbelow is directed to the closest prior art, which is submitted to be BNA. The position that BNA is the closest prior art is consistent with the anticipation rejection as set forth in the August 1, 2006 Office Action which was based on column 27, line 66 to column 28, line 59 of Wengel et al., which encompasses BNA. Said anticipation rejection was withdrawn in the February 7, 2007 Office Action.

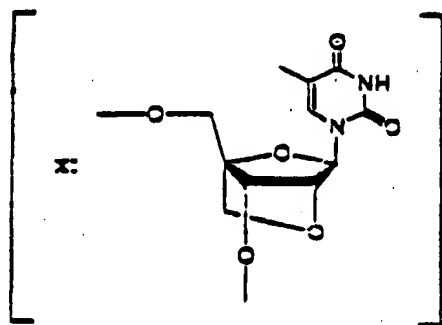
DECLARATION UNDER 37 CFR 1.132 of
Dr. Makoto KOIZUMI dated September 2, 2003

With respect to BNA disclosed in Wengel et al., of record is a DECLARATION UNDER 37 CFR 1.132 of Dr. Makoto KOIZUMI dated September 2, 2003, which provides a showing of unexpected results for the present claims (ENA) over BNA (which is a 2'-O,4'-C-methylene nucleoside).

The September 2, 2003 KOIZUMI DECLARATION includes comparison test results for the following compounds.

Oligonucleotide A which contains the prior art 2'-O,4'-C-methylene nucleoside (BNA):

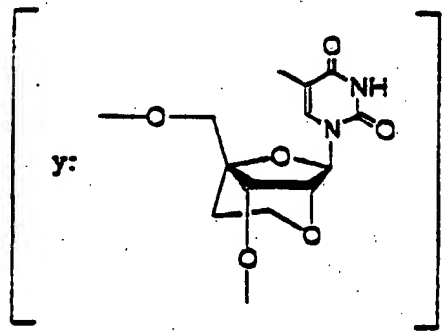
Oligonucleotide A: 5'-ttt ttt ttt txt-3'



BNA

Oligonucleotide B according to the present claims:

Oligonucleotide B: 5'-ttt ttt ttt tyt-3'



ENA

The resistance of each of Oligonucleotide A and Oligonucleotide B was tested against snake venom phosphodiesterase according to the method of Test Example 2 of the present specification. The results are shown in Table 1 of the September 2, 2003 KOIZUMI DECLARATION, which is reproduced as follows:

Table 1. Percentage of remaining oligonucleotides.

Sample	0 min	30 min	120 min
Oligonucleotide A	100	15	not detected
Oligonucleotide B (according to the present claims)	100	90	82

The above results show that after 30 minutes, 85% of the original Oligonucleotide A had been degraded, whereas only 10% of the original Oligonucleotide B had been degraded; after 120 minutes, all of the original Oligonucleotide A had been degraded, whereas only 18% of the original Oligonucleotide B had been degraded. Oligonucleotide B of the present claims has an unexpectedly much higher nuclease resistance activity than

oligonucleotide A. It is respectfully submitted that the remarkably high nuclease resistance activity of the compounds of the present claims is an unexpected result which would not have been expected.

DECLARATION UNDER 37 CFR 1.132 of
Dr. Makoto KOIZUMI dated November 6, 2006

Also of record is a DECLARATION UNDER 37 CFR 1.132 of Dr. Makoto KOIZUMI dated November 6, 2006, having attached thereto Certificates of Experimental Results (2), (3), (5) and (6) that were submitted in the corresponding European patent application and relate to issues raised in said European patent application. The results set forth in said certificates of Experimental Results (2), (3), (5) and (6) show unexpected results for oligonucleotides containing ENA of the present claims compared to oligonucleotides containing BNA such as in Wengel et al.

The results set forth in the aforesaid Certificate of Experimental Results (2), (3), (5) and (6) are summarized as follows:

Certificate of Experimental Results (2)

Table 1 of Certificate of Experimental Results (2) is reproduced as follows:

Table 1. Percentage of remaining oligonucleotides

Sample	0 min.	30 min.	60 min.
Oligonucleotide D (BNA)	100	52	34
Oligonucleotide E (natural oligothymidylate)	100	not detected	not detected
Oligonucleotide F (ENA according to applicants' claims)	100	84	76

The above results show the nuclease-resistance activity against nuclease P_1 defined as the percent ratio of remaining oligonucleotides compared with initial levels.

After 30 minutes, all of the original natural Oligonucleotide E was degraded and no longer existed as such; the prior art Oligonucleotide D (BNA) lost 48% of the starting material, whereas the Oligonucleotide F (ENA) according to applicants' claims lost only 16% of the original material. After 60 minutes, the prior art Oligonucleotide D lost 66% of its original material, whereas the Oligonucleotide F of the present claims lost only 24% of its original material. Thus, Oligonucleotide F (according to applicants' claims) had a remarkably higher nuclease-resistance activity than prior art Oligonucleotide D.

The initial rate constants of hydrolysis for Oligonucleotides D and F were calculated; Oligonucleotide F (ENA)

was approximately four times as stable as Oligonucleotide D (BNA) based on these calculations.

Certificate of Experimental Results (3)

Fig. 1 of Certificate of Experimental Results (3) is reproduced as follows:

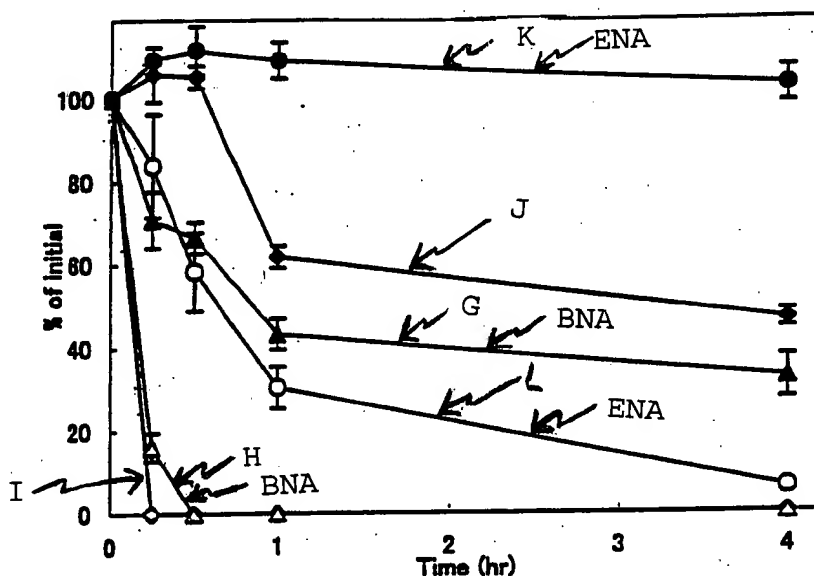


Figure 1. Stability of oligonucleotides in rat plasma

closed triangles: Oligonucleotide G (5'-xxts tststs xxx-3') (BNA)

open triangles: Oligonucleotide H (5'-xtx txt xtx-3') (BNA)

open diamonds: Oligonucleotide I (5'-ttt ttt ttt-3')

closed diamonds: Oligonucleotide J (5'-tststs tststs tstst-3')

closed circles: Oligonucleotide K (5'-yyts tststs yyy-3') (ENA according to applicants' claims)

open circles: Oligonucleotide L (5'-yty tyt yty-3') (ENA according to applicants' claims)

As seen from the above Fig. 1, Oligonucleotide K (ENA) exhibited excellent stability, remaining almost intact. Oligonucleotide K (ENA) was substantially more stable than corresponding Oligonucleotide G (BNA); and Oligonucleotide L (ENA) was substantially more stable than corresponding Oligonucleotide H (BNA).

Certificate of Experimental Results (5)

Table 1 of Certificate of Experimental Results (5) is reproduced as follows: The test procedure of the Wengel et al. Example 142 was followed.

Table 1. Percentage of remaining primers

primers	10 units of exonuclease III	1 unit of exonuclease III
P2 (natural oligothymidylate)	4	6
PZ2 (BNA)	5	19
PZ2-ENA (according to applicants' claims)	9	60

The above results show that PZ2-ENA according to applicants' claims had a much higher nuclease-resistance activity than prior art PZ2.

Certificate of Experimental Results (6)

Figures 1 and 2 of the Certificate of Experimental Results (6) are reproduced as follows:

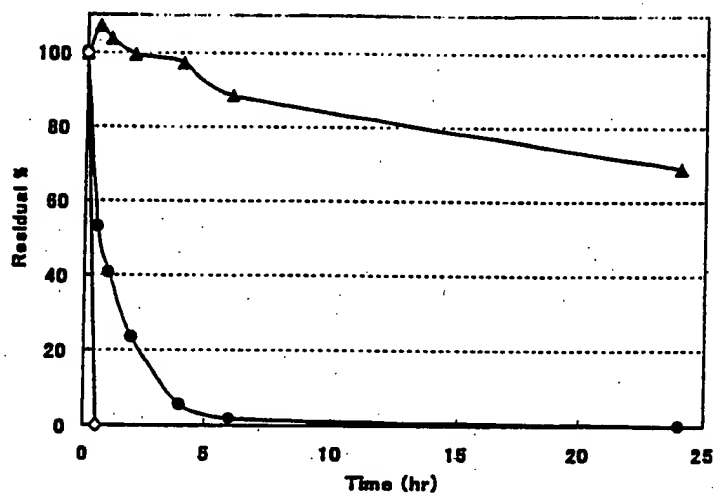


Figure 1. Stability of oligonucleotides in mouse serum.

Closed circles: LNA 5'-T₁₃T; open diamonds: DNA T₁₄; closed triangles: ENA 5'-T₁₃T.

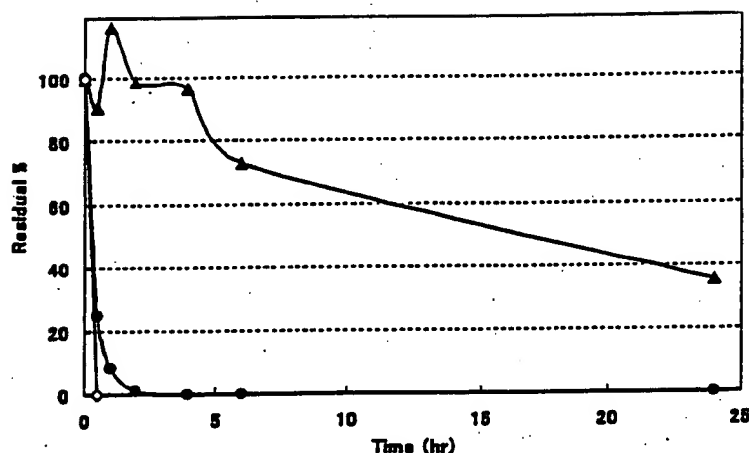


Figure 2. Stability of oligonucleotides in rat serum.

Closed circles: LNA 5'-T^L₁₃T; open diamonds: DNA T₁₄; closed triangles: ENA 5'-T^E₁₃T.

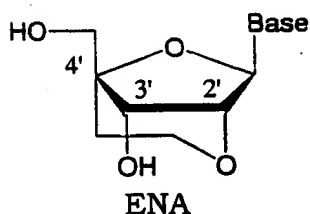
While almost intact LNA 5'-T^L₁₃T (BNA) did not remain in mouse serum in 6 hours, more than 80% of intact ENA 5'-T^E₁₃T (according to applicants' claims) remained as shown in Figure 1. While no intact LNA 5'-T^L₁₃T (BNA) remained in rat serum in 2 hours, almost all ENA 5'-T^E₁₃T (according to applicants' claims) remained as shown in Figure 2. These results indicate that natural DNA T₁₄ and LNA 5'-T^L₁₃T (BNA) did not display stability in serum and that ENA 5'-T^E₁₃T (according to applicants' claims) was more stable than corresponding LNA 5'-T^L₁₃T (BNA) in both mouse and rat serum.

Enclosed DECLARATION UNDER 37 CFR 1.132 of Dr. Makoto KOIZUMI

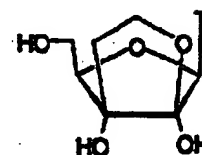
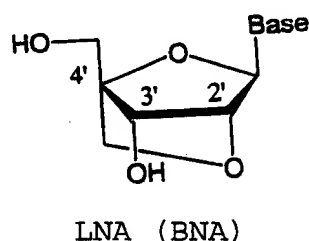
The following is set forth in the enclosed DECLARATION UNDER 37 CFR 1.132 of Dr. Makoto KOIZUMI.

As discussed hereinabove, applicants' claims are directed to ENA, and it is considered that the closest disclosed compounds in Wengel et al. are LNA(BNA). As seen in the following structures, compounds having an ethoxy bridge in the 2- and 3-positions in Wengel et al. (see Figs. 24 and 25 in Wengel et al.) are less closely related to applicants' ENA.

Applicants' Claims



Wengel et al.



2'-O,3'-C-CH₂CH₂
bridging group
compound 13

The above compound 13, which is set forth in Fig 25 of Wengel et al., has the same 2'-O,3'-C-ethylene bridge as compound V in Fig. 2 of Wengel et al. (i.e., Wengel and Nielsen).

Compound V is described in Example 124 of Wengel et al. The inventors of Wengel et al. published papers on the synthesis and properties of this compound V (Christensen et al., (1998), J. Am. Chem. Soc. 120, 5458-5463 and Nielsen et al., (1997), Chem. Comm. 825-826, copies of which were enclosed with the AMENDMENT UNDER 37 CFR 1.111 filed November 8, 2006).

Compound V contains the same ethylene bridging group as the 2'-O,4'-C-ethylene bridged nucleic acids. However, in Christensen et al. supra, the authors said that the preferred furanose conformation of compound V has a pseudorotation angle $P = 129^\circ$ corresponding to the C1'-exo conformation. The pseudorotation angle P of the furanose of 2'-O,4'-C-methylene thymidine (an LNA unit) is 16.8° and 14.7° (the cell unit of 2'-O,4'-C-methylene thymidine has two conformers in a crystal structure analysis (Morita et al., (2003), Biorg. Med. Chem., 11, 2211-2226, a copy of which was enclosed with the AMENDMENT UNDER 37 CFR 1.111 filed November 8, 2006)). These P values correspond to a typical C3'-endo conformation. The pseudorotation angles P of the furanose of 2'-O,4'-C-methylene adenosine and 2'-O,4'-C-ethylene adenosine are 15.1 and 17.4, respectively, corresponding

to the C3'-endo conformation (Morita et al. supra). These data indicate that two types of nucleosides containing a 2'-O,4'-C-methylene or a 2'-O,4'-C-ethylene bridging group have a similar C3'-endo conformation and that compound V having a 2'-O,3'-C-ethylene bridging group has a different conformation than the nucleoside containing a 2'-O,4'-C-ethylene bridging group.

In Table 1 of Christensen et al., melting temperatures of duplexes of oligonucleotides containing compound V units with complementary ssDNA or complementary ssRNA showed that these duplexes were less stable than the unmodified reference duplex. On page 825 of Nielsen et al. supra, it was stated that "incorporation of one to four modified bicyclic nucleosides X into a 14-mer destabilizes duplexes with the DNA complement dA14 by 2-3°C per modification." On the other hand, melting temperatures of duplexes of oligonucleotides containing a 2'-O,4'-C-ethylene bridging group with complementary ssDNA or

complementary ssRNA showed that these duplexes were more stable than the unmodified reference duplexes (Morita et al. supra).

The melting temperatures of duplexes of oligonucleotides containing 2'-O,4'-C-methylene linkages have improved stability compared to the unmodified reference duplexes (see page 2212, left-hand column, lines 11 to 19 of Morita et al. supra). It should be further noted from Morita et al. supra that by contrast with the art, the nucleosides of the present claims having a 2'-O,4'-C-ethylene linkage give duplexes having even higher levels of stability (see page 2215, left-hand column, lines 11 to 14 of Morita et al. supra). It is respectfully submitted that this could not possibly have been predicted from Wengel et al.

The following publications, copies of which were enclosed with the AMENDMENT UNDER 37 CFR 1.111 filed November 8, 2006, are further evidence of the surprising improvement in properties achieved using the ENA compounds of the present claims when compared to the prior art compounds: Obika et al., (2001), Bioorg. Med. Chem., 9, 1001-1011; Koizumi et al., (2003), Nucleic Acids Research, 31, 3267-3273.

In the aforesaid Obika et al. and Koizumi et al. publications, there are comparisons concerning the effect on triplex formation of incorporation into oligonucleosides of prior art nucleosides having a 2'-O,4'-C-methylene linkage and nucleosides of the present claims having a 2'-O,4'-C-ethylene linkage. Fully modified LNA oligonucleotides of the prior art did not bind to double-stranded DNA (see Obika et al. supra), whereas fully modified ENA oligonucleotides of the present claims have a high triplex-forming ability (see Koizumi et al. supra).

The thermodynamic stability of the triplex containing ENA-3, a triplex-forming oligonucleotide ("TFO") fully modified with ENA (the melting temperature (T_m) value of ENA-3 was 42°C) was greater than that of a mixture of dsDNA and an oligonucleotide fully modified with LNA, BNA-3, which failed to bind to the dsDNA (see Table 1 in Koizumi et al. supra). A fully modified TFO, ENA-6, with 5-methylcytosine, instead of cytosine, also showed a much higher T_m value, 57°C, than that of a LNA oligonucleotide (BNA-6: T_m was not detected (see Table 1 in Koizumi et al. supra)).

The binding activity of ENA oligonucleotides to dsDNA by gel analysis was investigated (see Figure 2 in Koizumi et al. supra). Each TFO was incubated with dsDNA in a ratio of 1:1 or 10:1 for 10 minutes at 60°C. After they were left for 60 minutes at room temperature, they were subjected to 10% PAGE with a neutral buffer at pH 7.2 at 20°C. In a ratio between TFO and dsDNA of 1:1, for fully modified ENA-6 only a faint band indicating triplex formation was observed (see Figure 2A in Koizumi et al. supra). In a ratio between TFO and dsDNA of 10:1, fully modified ENA-6 formed a triplex. However, the fully modified LNA oligonucleotide, BNA-6, completely failed to bind to dsDNA (see Figure 2B in Koizumi et al. supra).

A negative cotton effect was observed at approximately 215 nm in the CD spectra of the triplex. A cotton effect is the characteristic wavelength dependence of the optical rotary dispersion curve or the circular dichroism curve or both in the vicinity of an absorption band. In a ratio between dsDNA and TFO of 1:10, the negative cotton effect was observed at approximately 220 nm in the CD spectra of the complex with a fully modified ENA-6 (see Figure 3B in Koizumi et al. supra). In the case of a

fully modified BNA-6, a negative band was not observed (see Figure 3B in Koizumi et al. supra).

The selected NF- κ B binding sequences have a recognition site that is identified by restriction enzyme *Mln* I (see Figure 1B in Koizumi et al. supra). If a TFO binds to this recognition site of dsDNA, the *Mln* I reaction would be inhibited. At a pH of 7.2, each TFO was incubated with dsDNA in a ratio of 10:1 for 10 minutes at 60°C and left for 5 minutes at room temperature. This was followed by the addition of *Mln* I and incubation was carried out for 1 hour at 37°C. Finally, the resulting mixture was analyzed by denaturing 10% PAGE. Fully modified ENA-6 inhibited *Mln* I cleavage, but fully modified LNA TFO, BNA-6, did not (see Figure 4 in Koizumi et al. supra).

The above-described results demonstrate that fully modified ENA oligonucleotides can be used as TFOs, as opposed to the fully modified LNA oligonucleotides, which fail to form a triplex, as previously reported in Obika et al. supra. It is respectfully submitted that this substantial difference in triplex-forming ability could not possibly have been predicted from Wengel et al. This improvement was demonstrated for oligonucleotides of the

present claims having a variety of different bases at the 1'-position.

Enclosed with the AMENDMENT UNDER 37 CFR 1.111 filed November 8, 2006 was a copy of Freir et al., (1997), Nucleic Acids Research, 25, 4429-4443, which shows that a 6-membered bridged nucleoside (74) (see page 4434, left column in Table 7 and Figure 3 of Freir et al.) has a low ΔT_m . In contrast thereto, the ΔT_m of ENA (which is also a 6-membered bridged nucleoside) is high. Based on the teaching of Freir et al., it is respectfully submitted that one of ordinary skill in the art would have expected that the ΔT_m of ENA was also low and therefore would not have attempted to make ENA.

As discussed hereinbelow with respect to the Certificates of Experimental Results (2), (3), (5) and (6), oligonucleotides according to applicants' claims were shown to have a remarkably higher nuclease-resistance activity than an oligonucleotide containing BNA.

Stabilization against nucleases is important for antisense agents and therefore many chemists have attempted to modify

nucleosides. In this regard, see page 1630, right column, lines 14 to 18 of the enclosed copy of J. Kurreck, Eur. J. Biochem., 270, 1628-1644 (2003), which states as follows:

"One of the major challenges for antisense approaches is the stabilization of ONs [oligonucleotides], as unmodified oligodeoxynucleotides are rapidly degraded in biological fluids by nucleases. A vast number of chemically modified nucleotides have been used in antisense experiments."

With respect of Rule 116, entry of the enclosed KOIZUMI DECLARATION is respectfully requested, since most of the information set forth therein was included in the AMENDMENT UNDER 37 CFR 1.111 filed November 8, 2006.

The DECLARATION UNDER 37 CFR 1.132 of Dr. Koizumi dated November 6, 2006 (and filed November 8, 2006) attached Certificate of Experimental Results (2), Certificate of Experimental Results (3), Certificate of Experimental Results (5) and Certificate of Experimental Results (6), and stated that these attachments were submitted in the European Patent Office in the corresponding European patent application. Said KOIZUMI

DECLARATION UNDER 37 CFR 1.132 dated November 6, 2006 did not refer to or attach a Certificate of Experimental Results (1) or a Certificate of Experimental Results (4). To avoid any question as to why the Certificate of Experimental Results (1) and Certificate of Experimental Results (4) were not filed, copies of the Certificate of Experimental Results (1) and Certificate of Experimental Results (4) that were submitted in the corresponding European application are enclosed herewith. The data in said Certificate of Experimental Results (1) are of record; said data is set forth in the September 2, 2003 KOIZUMI DECLARATION. The Certificate of Experimental Results (4) concern subject matter outside the scope of the present claims.

USP 7,034,133 to Wengel et al.

Claims in USP 7,034,133 overlap with pending claims in the present application. USP 7,034,133 issued from U.S. application Serial No. 10/208,650. U.S. application Serial No. 10/208,650 was discussed in applicants' COMMENTS ON THE NOTICE OF ALLOWANCE AND THE CORRECTED NOTICE OF ALLOWANCE filed March 29, 2005 in the above- identified application serial No. 09/925,673.

USP 7,034,133 was cited in applicants' INFORMATION DISCLOSURE STATEMENT filed July 11, 2006.

The claims set forth in the published application of Serial No. 10/208,650 (namely US2003/0144231 A1) are different from the claims in USP 7,034,133.

The claims in USP 7,034,133 apparently were printed from the AMENDMENT UNDER 37 CFR 1.132 filed on December 20, 2004 in Serial No. 10/208,65. A copy of said AMENDMENT UNDER 37 CFR 1.132 in Serial No. 10/208,650 was attached to applicants' COMMENTS ON THE NOTICE OF ALLOWANCE AND THE CORRECTION NOTICE OF ALLOWANCE filed on March 29, 2005 in the above-identified application Serial No. 09/925,673 and was also attached to applicants' EVIDENCE AND STATEMENT ACCOMPANYING PETITION TO RESET PERIOD FOR RESPONSE DUE TO POSTMARK DATE BEING ONE MONTH LATER THAN MAIL DATE PRINTED ON PTO NOTICE OF ALLOWANCE filed March 18, 2005 in the above-identified application Serial No. 09/925,673. See particularly pages 3 and 4 of said EVIDENCE AND STATEMENT ACCOMPANYING PETITION TO RESET PERIOD FOR RESPONSE DUE TO POSTMARK DATE BEING LATER THAN THE MAIL DATE PRINTED ON PTO NOTICE OF ALLOWANCE wherein the following is stated:

"During the aforesaid telephone conversation with the Examiner, the non-receipt of an initialed copy of said Form PTO/SB/08A dated August 17, 2004 was called to the Examiner's attention. Although each of the four United States patent documents identified on said August 17, 2004 Form PTO/SB/08A is considered relevant, the patent document US 2003/0144231A1, which is the publication of SN 10/208,650 is particularly relevant in view of the allowed claims which are different than the original claims printed in US 2003/0144231A1 and which are more relevant than the claims printed in US 2003/0144231A1."

The following is stated at the bottom of page 3 of said
COMMENTS ON THE NOTICE OF ALLOWANCE AND THE CORRECTED NOTICE OF
ALLOWANCE:

"There is considered to be an overlap between the claims in the above-identified application SN 09/925,673 (for example, claim 45) and the claims in said AMENDMENT UNDER 37 C.F.R. § 1.312 in SN 10/208,650 (for example, claim 180)."

The claims in said AMENDMENT UNDER 37 CFR 1.312 filed December 20, 2004 in Serial No. 10/208,650 were first presented in application Serial No. 10/208,650 in a SUPPLEMENTAL PRELIMINARY AMENDMENT filed on January 12, 2004. All the originally presented claims were canceled in the SUPPLEMENTAL PRELIMINARY AMENDMENT filed on August 13, 2004.

It is respectfully submitted that the claims in USP 7,034,133 are not supported in the specification thereof, and therefore should have been rejected under 35 USC 112 first paragraph for lack of written description and lack of enablement

Reconsideration is requested. Allowance is solicited.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

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Respectfully submitted,



Richard S. Barth, Reg. No. 28,180

- Encs.: (1) DECLARATION UNDER 37 CFR 1.132 of Dr. Makoto KOIZUMI dated May 7, 2007
- (2) copies of Certificate of Experimental Results (1) and Certificate of Experimental Results (4)
- (3) copy of J. Kurreck, Eur. J. Biochem., 270, 1628-1644 (2003)

REVIEW ARTICLE

Antisense technologies Improvement through novel chemical modifications

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Antisense agents are valuable tools to inhibit the expression of a target gene in a sequence-specific manner, and may be used for functional genomics, target validation and therapeutic purposes. Three types of anti-mRNA strategies can be distinguished. Firstly, the use of single stranded antisense-oligonucleotides; secondly, the triggering of RNA cleavage through catalytically active oligonucleotides referred to as ribozymes; and thirdly, RNA interference induced by small interfering RNA molecules. Despite the seemingly simple idea to reduce translation by oligonucleotides complementary to an mRNA, several problems have to be overcome for successful application. Accessible sites of the target RNA for oligonucleotide binding have to be identified, antisense agents have to be protected against nucleolytic attack, and their cellular uptake and correct intracellular localization have to be achieved. Major disadvantages of commonly used phosphorothioate DNA oligonucleotides are their low

affinity towards target RNA molecules and their toxic side-effects. Some of these problems have been solved in 'second generation' nucleotides with alkyl modifications at the 2' position of the ribose. In recent years valuable progress has been achieved through the development of novel chemically modified nucleotides with improved properties such as enhanced serum stability, higher target affinity and low toxicity. In addition, RNA-cleaving ribozymes and deoxyribozymes, and the use of 21-mer double-stranded RNA molecules for RNA interference applications in mammalian cells offer highly efficient strategies to suppress the expression of a specific gene.

Keywords: antisense-oligonucleotides; deoxyribozymes; DNA enzymes; locked nucleic acids; peptide nucleic acids; phosphorothioates; ribozymes; RNA interference; small interfering RNA.

Introduction

The potential of oligodeoxynucleotides to act as antisense agents that inhibit viral replication in cell culture was discovered by Zamecnik and Stephenson in 1978 [1]. Since then antisense technology has been developed as a powerful tool for target validation and therapeutic purposes. Theoretically, antisense molecules could be used to cure any disease that is caused by the expression of a deleterious gene, e.g. viral infections, cancer growth and inflammatory diseases. Though rather elegant in theory, antisense approaches have proven to be challenging in practical applications.

In the present review, three types of anti-mRNA strategies will be discussed, which are summarized in Fig. 1. This scheme also demonstrates the difference between antisense approaches and conventional drugs, most of which bind to proteins and thereby modulate their function. In contrast, antisense agents act at the mRNA level, preventing its translation into protein. Antisense-oligonucleotides (AS-ONs) pair with their complementary mRNA, whereas ribozymes and DNA enzymes are catalytically active ONs that not only bind, but can also cleave, their target RNA. In recent years, considerable progress has been made through the development of novel chemical modifications to stabilize ONs against nucleolytic degradation and enhance their target affinity. In addition, RNA interference has been established as a third, highly efficient method of suppressing gene expression in mammalian cells by the use of 21–23-mer small interfering RNA (siRNA) molecules [2].

Efficient methods for gene silencing have been receiving increased attention in the era of functional genomics, since sequence analysis of the human genome and the genomes of several model organisms revealed numerous genes, whose function is not yet known. As Bennett and Cowser pointed out in their review article [3] AS-ONs combine many desired properties such as broad applicability, direct utilization of sequence information, rapid development at low costs, high probability of success and high specificity compared to alternative technologies for gene functionalization and target validation. For example, the widely used approach to generate knock-out animals to gain information about

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Abbreviations: AS, antisense; CeNA, cyclohexene nucleic acid; CMV, cytomegalovirus; FANA, 2'-deoxy-2'-fluoro- β -D-arabino nucleic acid; GFP, green fluorescence protein; HER, human epidermal growth factor; ICAM, intercellular adhesion molecule; LNA, locked nucleic acid; MF, morpholino; NP, N3'-P5' phosphoroamidates; ON, oligonucleotide; PNA, peptide nucleic acid; PS, phosphorothioate; RISC, RNA-induced silencing complex; RNAi, RNA interference; shRNA, short hairpin RNA; siRNA, small interfering RNA; tc, tricyclo; TNF, tumor necrosis factor.

(Received 16 January 2003, revised 19 February 2003, accepted 4 March 2003)

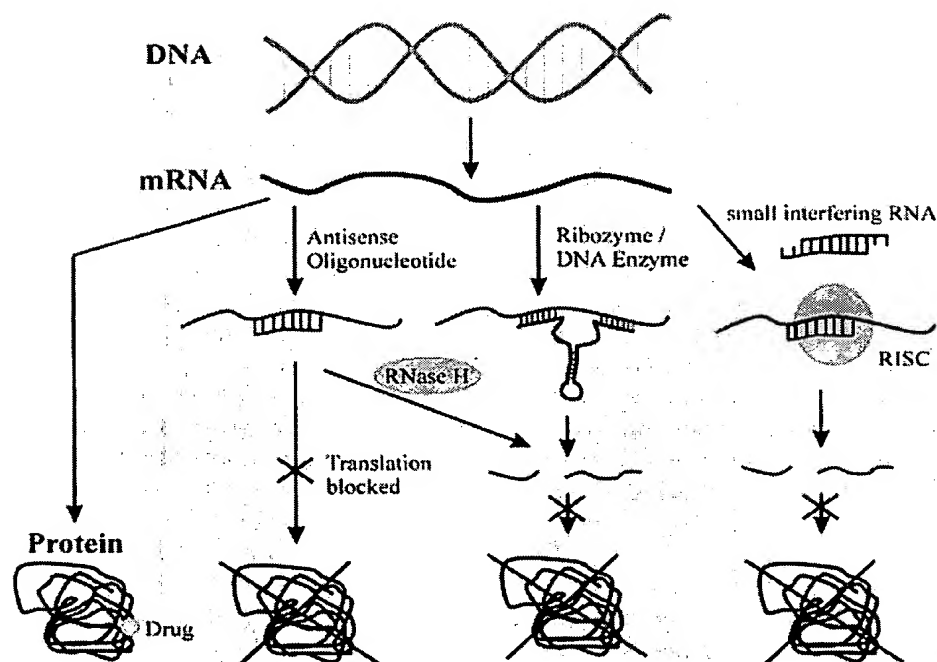


Fig. 1. Comparison of different antisense strategies. While most of the conventional drugs bind to proteins, antisense molecules pair with their complementary target RNA. Antisense-oligonucleotides block translation of the mRNA or induce its degradation by RNase H, while ribozymes and DNA enzymes possess catalytic activity and cleave their target RNA. RNA interference approaches are performed with siRNA molecules that are bound by the RISC and induce degradation of the target mRNA.

the function of genes *in vivo* is time-consuming, expensive, labor intensive and, in many cases, noninformative due to lethality during embryogenesis. In these cases, antisense technologies offer an attractive alternative to specifically knock down the expression of a target gene. Mouse E-cadherin ($-/-$) embryos, for example, fail to form the blastocoele, resulting in lethality in an early stage of embryogenesis, but AS-ONs, when administered in a later stage of development, were successfully employed to investigate a secondary role of E-cadherin [4]. Another advantage of the development of AS-ONs is the opportunity to use molecules for therapeutic purposes, which have been proven to be successful in animal models.

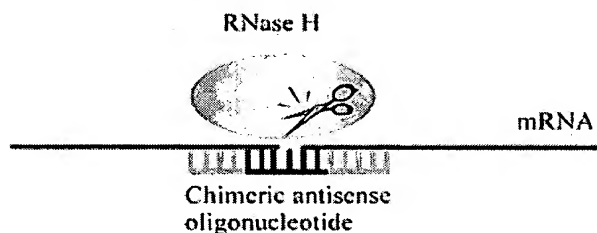
It should, however, be mentioned that it was questioned whether antisense strategies kept the promises made more than 20 years ago [5]. As will be described in detail below, problems such as the stability of ONs *in vivo*, efficient cellular uptake and toxicity hampered the use of AS agents in many cases and need to be solved for their successful application. In addition, nonantisense effects of ONs have led to misinterpretations of data obtained from AS experiments. Therefore, appropriate controls to prove that any observed effect is due to a specific antisense inhibition of gene expression are another prerequisite for the proper use of AS molecules.

Antisense-oligonucleotides

AS-ONs usually consist of 15–20 nucleotides, which are complementary to their target mRNA. As illustrated in Fig. 2, two major mechanisms contribute to their antisense

activity. The first is that most AS-ONs are designed to activate RNase H, which cleaves the RNA moiety of a DNA-RNA heteroduplex and therefore leads to degradation of the target mRNA. In addition, AS-ONs that do not

A) RNase H cleavage



B) Blocking of translation

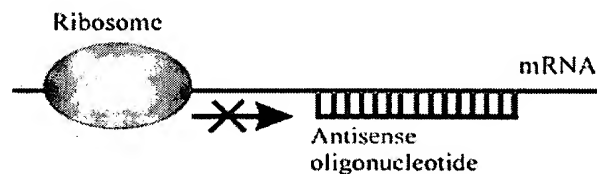


Fig. 2. Mechanisms of antisense activity. (A) RNase H cleavage induced by (chimeric) antisense-oligonucleotides. (B) Translational arrest by blocking the ribosome. See the text for details.

induce RNase H cleavage can be used to inhibit translation by steric blockade of the ribosome. When the AS-ONs are targeted to the 5'-terminus, binding and assembly of the translation machinery can be prevented. Furthermore, AS-ONs can be used to correct aberrant splicing (see below).

Long RNA molecules form complex secondary and tertiary structures and therefore the first task for a successful antisense approach is to identify accessible target sites of the mRNA. On average, only one in eight AS-ONs is thought to bind effectively and specifically to a certain target mRNA [6], but the percentage of active AS-ONs is known to vary from one target to the next. It is therefore possible to simply test a number of ONs for their antisense efficiency, but more sophisticated approaches are known for a systematic optimization of the antisense effect.

Computer-based structure models of long RNA molecules are unlikely to represent the RNA structure inside a living cell, and to date are only of limited use for the design of efficient AS-ONs. Therefore, a variety of strategies have been developed for this purpose (reviewed in [7]). The use of random or semirandom ON libraries and RNase H, followed by primer extension, has been shown to reveal a comprehensive picture of the accessible sites [8,9]. A nonrandom variation of this strategy was developed in which target-specific AS-ONs were generated by digestion of the template DNA [10]. A rather simple and straightforward method providing comparable information about the structure of the target RNA is to screen a large number of specific ONs against the transcript in the presence of RNase H and to evaluate the extent of cleavage induced by individual ONs [11]. The most sophisticated approach reported so far is to design a DNA array to map an RNA for hybridization sites of ONs [12]. Because mRNA structures in biological systems are likely to differ from the structure of *in vitro* transcribed RNA molecules, and because RNA-binding proteins shield certain target sites inside cells, screening of ON efficiency in cell extracts [13] or in cell culture might be advantageous (e.g. [14,15]).

When designing ONs for antisense experiments, several pitfalls should be avoided [6]. AS-ONs containing four contiguous guanosine residues should not be employed, as they might form G-quartets via Hoogsteen base-pair formation that can decrease the available ON concentration and might result in undesired side-effects. Modified guanines (for example 7-deazaguanosine, which cannot form Hoogsteen base pairs) may be used to overcome this problem.

ONs containing CpG motifs should be excluded for *in vivo* experiments, because this motif is known to stimulate immune responses in mammalian systems. The CG dinucleotide is more frequently found in viral and bacterial DNA than in the human genome, suggesting that it is a marker for the immune system to signify infection. Coley Pharmaceuticals even makes use of CG-containing ONs as immune stimulants for treating cancer, asthma and infectious diseases in clinical trials [16].

Another important step for the development of an antisense molecule is to perform a database search for each ON sequence to avoid significant homology with other mRNAs. Furthermore, control experiments should be carried out with great care in order to prove that any

observed effect is due to a specific antisense knockdown of the target mRNA. A number of types of control ONs have been used for antisense experiments: random ONs, scrambled ONs with the same nucleotide composition as the AS-ON in random order, sense ONs, ONs with the inverted sequence or mismatch ONs, which differ from the AS-ON in a few positions only.

In the following sections, properties of modified AS-ONs and recent advances obtained with novel DNA and RNA analogs will be discussed in more detail. Subsequently, strategies to mediate efficient cellular uptake of oligonucleotides and results of clinical trials will be described.

Antisense-oligonucleotide modifications

One of the major challenges for antisense approaches is the stabilization of ONs, as unmodified oligodeoxynucleotides are rapidly degraded in biological fluids by nucleases. A vast number of chemically modified nucleotides have been used in antisense experiments. In general, three types of modifications of ribonucleotides can be distinguished (Fig. 3): analogs with unnatural bases, modified sugars (especially at the 2' position of the ribose) or altered phosphate backbones.

A variety of heterocyclic modifications have been described, which can be introduced into AS-ONs to strengthen base-pairing and thus stabilize the duplex between AS-ONs and their target mRNAs. A comprehensive review dealing with base-modified ONs was published previously by Herdewijn [17]. Because only a relatively small number of these ONs have been investigated *in vivo*, little is known about their potential as antisense molecules and their possible toxic side-effects. Therefore, the present review will focus on ONs with modified sugar moieties and phosphate backbones.

'First generation' antisense-oligonucleotides

Phosphorothioate (PS) oligodeoxynucleotides are the major representatives of first generation DNA analogs that are the best known and most widely used AS-ONs to date (reviewed in [18]). In this class of ONs, one of the nonbridging oxygen atoms in the phosphodiester bond is replaced by sulfur (Fig. 4). PS DNA ONs were first synthesized in the 1960s by Eckstein and colleagues [19] and were first used as AS-ONs for the inhibition of HIV

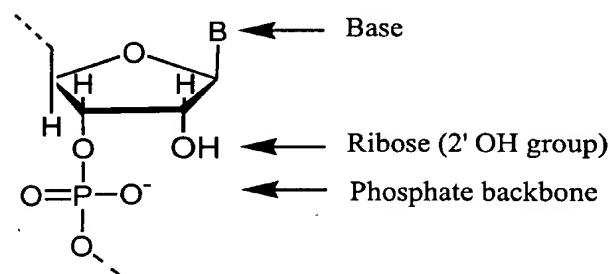


Fig. 3. Sites for chemical modifications of ribonucleotides. B denotes one of the bases adenine, guanine, cytosine or thymine.

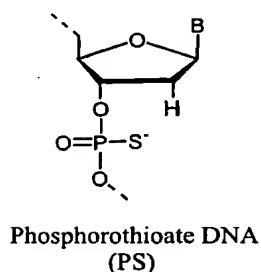
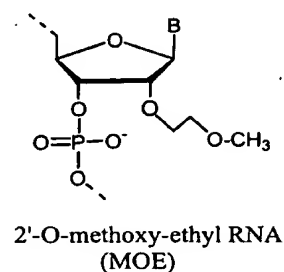
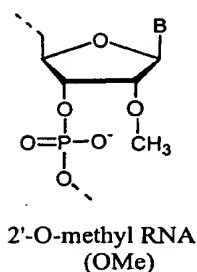
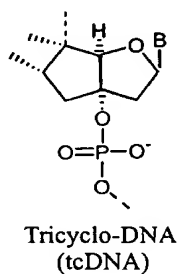
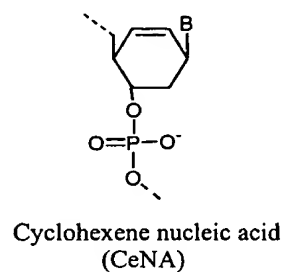
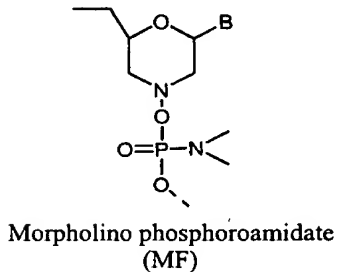
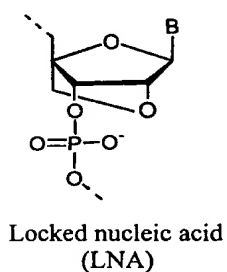
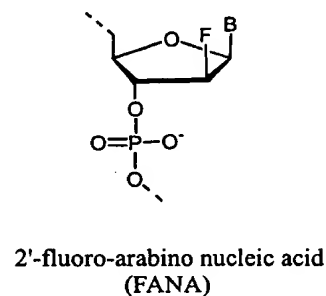
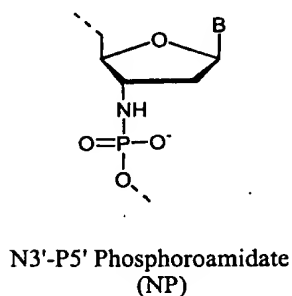
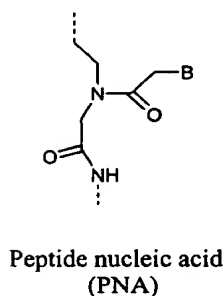
First generation**Second generation****Third generation**

Fig. 4. Nucleic acid analogs discussed in this review. B denotes one of the bases adenine, guanine, cytosine or thymine.

replication by Matsukura and coworkers [20]. As described below, these ONs combine several desired properties for antisense experiments, but they also possess undesirable features.

The introduction of phosphorothioate linkages into ONs was primarily intended to enhance their nuclease resistance.

PS DNAs have a half-life in human serum of approximately 9–10 h compared to ≈ 1 h for unmodified oligodeoxynucleotides [21–23]. In addition to nuclease resistance, PS DNAs form regular Watson–Crick base pairs, activate RNase H, carry negative charges for cell delivery and display attractive pharmacokinetic properties [24].

The major disadvantage of PS oligodeoxynucleotides is their binding to certain proteins, particularly those that interact with polyanions such as heparin-binding proteins (e.g. [25–27]). The reason for this nonspecific interaction is not yet fully understood, but it may cause cellular toxicity [reviewed in 28]. After PS DNA treatment of primates, serious acute toxicity was observed as a result of a transient activation of the complement cascade that has in some cases led to cardiovascular collapse and death. In addition, the clotting cascade was altered after the administration of PS DNA ONs. The lower doses of PS oligodeoxynucleotide used for clinical trials in humans, however, were generally well tolerated, as will be discussed below. Furthermore, the seemingly negative property of PS DNA ONs to interact with certain proteins proved to be advantageous for the pharmacokinetic profile. Their binding to plasma proteins protects them from filtration and is responsible for an increased serum half-life [28].

Another shortcoming of PS DNAs is their slightly reduced affinity towards complementary RNA molecules in comparison to their corresponding phosphodiester oligodeoxynucleotide. The melting temperature of a heteroduplex is decreased by approximately 0.5 °C per nucleotide. This weakness is, in part, compensated by an enhanced specificity of hybridization found for PS ONs compared to unmodified DNA ONs [24].

'Second generation' antisense-oligonucleotides

The problems associated with phosphorothioate oligodeoxynucleotides are to some degree solved in second generation ONs containing nucleotides with alkyl modifications at the 2' position of the ribose. 2'-*O*-methyl and 2'-*O*-methoxy-ethyl RNA (Fig. 4) are the most important members of this class. AS-ONs made of these building blocks are less toxic than phosphorothioate DNAs and have a slightly enhanced affinity towards their complementary RNAs [23,29].

These desirable properties are, however, counterbalanced by the fact that 2'-*O*-alkyl RNA cannot induce RNase H cleavage of the target RNA. Mechanistic studies of the RNase H reaction revealed that the correct width of the minor groove of the AS-ON-RNA duplex (closer to A-type rather than B-type), flexibility of the AS-ON and availability of the 2'-OH group of the RNA are required for efficient RNase H cleavage [30].

Because 2'-*O*-alkyl RNA ONs do not recruit RNase H, their antisense effect can only be due to a steric block of translation (see above). The effectiveness of this mechanism was first shown in 1997, when the expression of the intercellular adhesion molecule 1 (ICAM-1) could be inhibited efficiently with an RNase H-independent 2'-*O*-methoxy-ethyl-modified AS-ON that was targeted against the 5'-cap region [31]. This effect was probably due to selective interference with the formation of the 80S translation initiation complex.

Another approach, for which the ON must avoid activation of RNase H, is an alteration of splicing. In contrast to the typical role for AS-ONs, in which they are supposed to suppress protein expression, blocking of a splice site with an AS-ON can increase the expression of an alternatively spliced protein variant. This technique is

being developed to treat the genetic blood disorder β -thalassaemia. In one form of this disease, a mutation in intron 2 of the β -globin gene causes aberrant splicing of the pre-mRNA and, as a consequence, β -globin deficiency. A phosphorothioate 2'-*O*-methyl oligoribonucleotide that does not induce RNase H cleavage was targeted to the aberrant splice site and restored correct splicing, generating correct β -globin mRNA and protein in mammalian cells [32].

For most antisense approaches, however, target RNA cleavage by RNase H is desired in order to increase antisense potency. Therefore, 'gapmer technology' has been developed. Gapmers consist of a central stretch of DNA or phosphorothioate DNA monomers and modified nucleotides such as 2'-*O*-methyl RNA at each end (indicated by red and yellow regions of the ON in Fig. 2B). The end blocks prevent nucleolytic degradation of the AS-ON and the contiguous stretch of at least four or five deoxy residues between flanking 2'-*O*-methyl nucleotides was reported to be sufficient for activation of *Escherichia coli* and human RNase H, respectively [29,33,34].

The use of gapmers has also been suggested as a solution for another problem associated with AS-ONs, the so-called 'irrelevant cleavage' [5]. The specificity of an AS-ON is reduced by the fact that it nests a number of shorter sequences. A 15-mer, for example, can be viewed as eight overlapping 8-mers, which are sufficient to activate RNase H. Each of these 8-mers will occur several times in the genome and might bind to nontargeted mRNAs and induce their cleavage by RNase H. This theoretical calculation became relevant for a 20-mer phosphorothioate oligodeoxyribonucleotide targeting the 3'-untranslated region of PKC- α . Unexpectedly, PKC- ζ was codown-regulated by the ON, probably due to irrelevant cleavage caused by a contiguous 11-base match between the ON and the PKC- ζ mRNA. Gapmers with a central core of six to eight oligodeoxynucleotides and nucleotides unable to recruit RNase H at both ends can be employed to eliminate irrelevant cleavage, as they will only induce RNase H cleavage of one target sequence.

'Third generation' antisense-oligonucleotides

In recent years a variety of modified nucleotides have been developed (Fig. 4) to improve properties such as target affinity, nuclease resistance and pharmacokinetics. The concept of conformational restriction has been used widely to enhance binding affinity and biostability. In analogy to the previous terms 'first generation' for phosphorothioate DNA and 'second generation' for 2'-*O*-alkyl-RNA, these novel nucleotides will subsequently be subsumed under the term 'third generation' antisense agents. DNA and RNA analogs with modified phosphate linkages or riboses as well as nucleotides with a completely different chemical moiety substituting the furanose ring have been developed, as will be described below. Due to the limited space, only a few promising examples of the vast body of novel modified nucleotides with improved properties can be discussed here, although further modifications may prove to have a great potential as antisense molecules.

Peptide nucleic acids (PNAs). Peptide nucleic acids (PNAs) belong to the first and most intensively studied DNA analogs besides phosphorothioate DNA and 2'-O-alkyl RNA [reviewed in 35–37]. In PNAs the deoxyribose phosphate backbone is replaced by polyamide linkages. PNA was first introduced by Nielsen and coworkers in 1991 [38] and can now be obtained commercially, e.g. from Applied Biosystems (Foster City, CA, USA). PNAs have favorable hybridization properties, and high biological stability, but do not elicit target RNA cleavage by RNase H. Additionally, as they are electrostatically neutral molecules, solubility and cellular uptake are serious problems that have to be overcome for the usage of PNAs as antisense agents to become practical. Improved intracellular delivery could be obtained by coupling PNAs to negatively charged oligomers, lipids or certain peptides that are efficiently internalized by cells [summarized in 35,37].

In one of the latest and most convincing *in vivo* studies, PNAs (as well as several other modified ONs) were used to correct aberrant splicing in a transgenic mouse model [39]. The ONs were directed against a mutated intron of the human β -globin gene that interrupted the gene encoding enhanced green fluorescent protein (GFP). Only in the presence of systemically delivered AS-ONs was the functional GFP expressed. Interestingly, PNAs linked to four lysines at the C-terminus were the most effective of the AS-ONs investigated, whereas a 2'-O-methoxy-ethyl ON had a slightly lower activity in all tissues except the small intestine. Morpholino (MF) ONs were significantly less effective while PNA with only one lysine was completely inactive, indicating that the four-lysine tail is essential for antisense activity of PNAs *in vivo*.

According to the *in vivo* studies performed to date, PNAs seem to be nontoxic, as they are uncharged molecules with low affinity for proteins that normally bind nucleic acids. The greatest potential of PNAs, however, might not be their use as antisense agents but their application to modulate gene expression by strand invasion of chromosomal duplex DNA [37].

N3'-P5' phosphoroamidates (NPs). N3'-P5' phosphoroamidates (NPs) are another example of a modified phosphate backbone, in which the 3'-hydroxyl group of the 2'-deoxyribose ring is replaced by a 3'-amino group. NPs exhibit both a high affinity towards a complementary RNA strand and nuclease resistance [40]. Their potency as AS molecules has already been demonstrated *in vivo*, where a phosphoroamidate ON was used to specifically down-regulate the expression of the *c-myc* gene [41]. As a consequence, severe combined immunodeficiency mice that were injected with myeloid leukemia cells had a reduced peripheral blood leukemic load. Animals treated with the AS agent had significantly prolonged survival compared to those treated with mismatch ONs. Moreover, the phosphoroamidates were found to be superior for the treatment of leukemia compared to phosphorothioate oligodeoxynucleotides. The sequence specificity of phosphoroamidate-mediated antisense effects by steric blocking of translation initiation could be demonstrated in cell culture, and *in vivo* with a system in which the target sequence was present just upstream of the firefly luciferase initiation

codon [42]. Because phosphoroamidates do not induce RNase H cleavage of the target RNA, they might prove useful for special applications, where RNA integrity needs to be maintained, like modulation of splicing.

2'-Deoxy-2'-fluoro- β -D-arabino nucleic acid (FANA). ONs made of arabino nucleic acid, the 2' epimer of RNA, or the corresponding 2'-deoxy-2'-fluoro- β -D-arabino nucleic acid analogue (FANA) were the first uniformly sugar-modified AS-ONs reported to induce RNase H cleavage of a bound RNA molecule [43]. The circular dichroic spectrum of a FANA:RNA duplex closely resembled that of the corresponding DNA:RNA hybrid, indicating similar helical conformations. The fluoro substituent is thought to project into the major groove of the helix, where it should not interfere with RNase H. Full RNase H activation by phosphorothioate-FANA, however, was only achieved with chimeric ONs containing deoxyribonucleotides in the center, but the DNA stretch needed for high enzyme activity was shorter than in 2'-O-methyl gapmers [44]. The chimeric FANA:DNA ONs were highly potent in cell culture with a 30-fold lower IC_{50} than the corresponding phosphorothioate DNA ON.

Locked nucleic acid (LNA). One of the most promising candidates of chemically modified nucleotides developed in the last few years is locked nucleic acid (LNA), a ribonucleotide containing a methylene bridge that connects the 2'-oxygen of the ribose with the 4'-carbon [reviewed in 36,45,46]. ONs containing LNA were first synthesized in the Wengel [47,48] and Imanishi laboratories [49] and are commercially available from Prologo (Paris, France and Boulder, CO, USA).

Introduction of LNA into a DNA ON induces a conformational change of the DNA:RNA duplex towards the A-type helix [50] and therefore prevents RNase H cleavage of the target RNA. If degradation of the mRNA is intended, a chimeric DNA:LNA gapmer that contains a stretch of 7–8 DNA monomers in the center to induce RNase H activity should be used [23]. Chimeric 2'-O-methyl-LNA ONs that do not activate RNase H could, however, be used as steric blocks to inhibit intracellular HIV-1 Tat-dependent *trans* activation and hence suppress gene expression [51]. LNAs and LNA:DNA chimeras efficiently inhibited gene expression when targeted to a variety of regions (5' untranslated region, region of the start codon or coding region) within the luciferase mRNA [52].

Chimeric DNA:LNA ONs reveal an enhanced stability against nucleolytic degradation [23,53] and an extraordinarily high target affinity. An increase of the melting temperature of up to 9.6 °C per LNA introduced into an ON has been reported [50]. This enhanced affinity towards the target RNA accelerates RNase H cleavage [23] and leads to a much higher potency of chimeric DNA:LNA ONs in suppressing gene expression in cell culture, compared to phosphorothioate DNAs or 2'-O-methyl modified gapmers [A. Grünweller, E. Wyszko, V. A. Erdmann and J. Kurreck, unpublished results]. Whether the high target affinity of LNAs results in a reduced sequence specificity will need to be investigated. If unspecific side-effects of LNA

ONs are observed, their length would have to be decreased to find an optimum for target affinity and specificity.

AS-ONs containing LNA were also directed against human telomerase, which is an excellent antisense target that is expressed in tumor cells but not in adjacent normal tissue. Telomerase is a ribonucleoprotein with an RNA component that hybridizes to the telomere and should therefore be accessible for AS-ONs. As RNA degradation is not necessary to block the enzyme's catalytic site, ONs unable to recruit RNase H should be suitable inhibitors of telomerase function. A comparative study revealed that LNAs have a significantly higher potential to inhibit human telomerase than PNAs [54]. Due to their high affinity for their complementary sequence, LNA ONs as short as eight nucleotides long were efficient inhibitors in cell extracts.

In addition to target affinity, improved cellular uptake of ONs consisting of 2'-O-methyl RNA and LNA, compared to an all 2'-O-methyl RNA oligomer, was suggested to account for high antisense potency of LNA [51]. In the first *in vivo* study reported for an LNA, an efficient knock-down of the rat delta opioid receptor was achieved in the absence of any detectable toxic reactions in rat brain [53]. Subsequently, full LNA ONs were successfully used *in vivo* to block the translation of the large subunit of RNA polymerase II [55]. These ONs inhibited tumor growth in a xenograft model with an effective concentration that was five times lower than was found previously for the corresponding phosphorothioate DNA. Again, the LNA ONs appeared to be nontoxic in the optimal dosage. Therefore, full LNA and chimeric DNA-LNA ONs seem to offer an attractive set of properties, such as stability against nucleolytic degradation, high target affinity, potent biological activity and apparent lack of acute toxicity.

Morpholino oligonucleotides (MF). Morpholino ONs are nonionic DNA analogs, in which the ribose is replaced by a morpholino moiety and phosphoramidate intersubunit linkages are used instead of phosphodiester bonds. They are commercially available from Gene Tools LLC (Corvallis, OR, USA). Recently, the success and limitations of their usage have been reviewed comprehensively, with particular focus on developmental biology [56] as most published work on morpholino compounds has been carried out using zebrafish embryos. An entire issue of *Genesis* (volume 30, issue 3, 2001) has been devoted to the study of gene function using this technique.

MFs do not activate RNase H and, if inhibition of gene expression is desired, they should therefore be targeted to the 5' untranslated region or to the first 25 bases downstream of the start codon to block translation by preventing ribosomes from binding. Because their backbone is uncharged, MFs are unlikely to form unwanted interactions with nucleic acid-binding proteins. Their target affinity is similar to that of isosequential DNA ONs, but lower than the strength of RNA binding achieved with many of the other modifications described in this section.

Effective gene knockdown in all cells of zebrafish embryos was achieved with MFs against GFP in a ubiquitous GFP transgene [57]. In this study, equivalents of known genetic mutants as well as models for human diseases were developed and new gene functions were determined by the use of MFs. A potential therapeutic

application was reported for MFs that corrected aberrant splicing of mutant β -globin precursor mRNA [58]. Treatment of erythroid progenitors from peripheral blood of thalassemic patients with ONs antisense to aberrant splice sites restored correct splicing and increased the hemoglobin A synthesis. Due to the limited cellular uptake of MFs, however, these experiments required high ON concentrations and mechanical disturbance of the cell membrane. Another relevant question that has to be answered is the reason for unspecific side-effects that have been observed in several studies (summarized in [56]).

Cyclohexene nucleic acids (CeNA). Replacement of the five-membered furanose ring by a six-membered ring is the basis for cyclohexene nucleic acids (CeNAs), which are characterized by a high degree of conformational rigidity of the oligomers. They form stable duplexes with complementary DNA or RNA and protect ONs against nucleolytic degradation [59]. In addition, CeNA-RNA hybrids have been reported to activate RNase H, albeit with a 600-fold lower k_{cat} compared to a DNA-RNA duplex [60]. Therefore, the design of ONs with CeNA has a long way to go in order to obtain highly efficient AS agents.

Tricyclo-DNA (tcDNA). Tricyclo-DNA (tcDNA) is another nucleotide with enhanced binding to complementary sequences, which was first synthesized by Leumann and coworkers [61,62]. As with most of the newly developed DNA and RNA analogs, tcDNA does not activate RNase H cleavage of the target mRNA. It was, however, successfully used to correct aberrant splicing of a mutated β -globin mRNA with a 100-fold enhanced efficiency relative to an isosequential 2'-O-methyl-phosphorothioate RNA [63].

In summary, a great number of modified building blocks for ONs have been developed during the last few years. Although not all of them could be discussed in the present review, general features have been shown for some promising examples. Most of the newly synthesized nucleotides reveal enhanced resistance against nucleolytic degradation in biological fluids and stabilize the duplex between the AS-ON and the mRNA. A major inherent disadvantage of nucleotides with modifications in the ribose moiety is their inability to activate efficient RNase H cleavage of the target RNA. As a consequence, gapmers with a stretch of unmodified or phosphorothioate DNA monomers in the center of the ON are widely used. Several of the third generation nucleotides have already been used successfully *in vivo*, and a high antisense potency combined with low toxicity has been observed. Therefore, one might expect that recent advances in nucleotide chemistry will soon lead to significant improvements of the antisense technology for target validation and therapeutic purposes.

Cellular uptake of antisense-oligonucleotides

Despite the encouraging prospects of nucleotide chemistry discussed in the previous section, an important hurdle that has to be overcome for successful antisense applications is the cellular uptake of the molecules. In cultured cells, internalization of naked DNA is usually inefficient, due to the charged ONs having to cross a hydrophobic cell

membrane. A number of methods have therefore been developed for *in vitro* and *in vivo* delivery of ONs (reviewed in [64,65]). By far the most commonly and successfully used delivery systems are liposomes and charged lipids, which can either encapsulate nucleic acids within their aqueous center or form lipid–nucleic acid complexes as a result of opposing charges. These complexes are usually internalized by endocytosis. For efficient release of the ONs from the endosomal compartment, many transfection reagents contain helper lipids that disrupt the endosomal membrane and help to set the ONs free.

A number of macromolar delivery systems have been developed recently that mediate a highly efficient cellular uptake and protect the bound ONs against degradation in biological fluids. Examples of these new agents are dendrimers with highly branched three dimensional structures, biodegradable polymers and ON-binding nanoparticles. In addition, pluronic gel as a depot reservoir can be used to deliver ONs over a prolonged period [66]. It has been used *in vivo* successfully for the delivery of DNA enzymes (see below), which inhibited neointima formation after balloon injury to the rat carotid wall [67,68].

Further polymers for the delivery of AS-ONs consist of amino acids or sugars. Evidence has been provided, however, that the structural properties of a peptide conjugated to an ON do not significantly alter its ability to cross mammalian plasma membranes [69]. Therefore, aspects other than improved translocation across the membrane are likely to be responsible for enhanced biological activity of peptide–oligonucleotide derivatives. Further details about the newly developed delivery systems and perspectives for their wider use are given in the reviews mentioned above [64,65].

Another strategy for effective targeting of AS-ONs to specific tissues or organs is receptor-mediated endocytosis. For this purpose, ONs are conjugated to antibodies or

ligands that are specifically recognized by a certain receptor, which mediates their uptake into target cells. For example, coupling of a radioactively labeled PNA to a transferrin receptor monoclonal antibody made the antisense agent transportable through the blood–brain barrier [70].

Interestingly, efficient cellular uptake of ONs *in vivo* has even been achieved without the use of any delivery system. In a recently published study it was demonstrated that fluorescently labeled AS-ONs were taken up by dorsal root ganglion neurons after intrathecal injection in the absence of any transfection agent [71]. The ONs specifically knocked down the expression of the peripheral tetrodotoxin-resistant sodium channel NaV1.8 and reversed neuropathic pain induced by spinal nerve injury. Internalization into target cells *in vivo* has also been achieved for free ribozymes (see below). Despite these successful applications of free antisense molecules, higher levels of cellular uptake can usually be achieved by the use of transfection agents. Therefore, the development of delivery systems that mediate efficient cellular uptake and sustained release of the drugs remains one of the major challenges in the antisense field.

Clinical trials

After pharmacokinetic studies had shown that phosphorothioate oligodeoxynucleotides are well absorbed from parenteral sites and distribute broadly to organs and peripheral tissues [24] (with the exception that they do not cross the blood–brain barrier in the absence of special delivery systems) several companies initiated clinical trials in the early 1990s. As can be seen from the summary of ongoing clinical studies given in Table 1, the most intensively studied AS-ONs are phosphorothioate DNA ONs, but second and third generation ONs have meanwhile proceeded to Phase II trials. The list also demonstrates the

Table 1. Antisense-oligonucleotides approved or in clinical trials (compilation based on [16,37,81] and company's information).

Product	Company	Target	Disease	Chemistry	Status
Vitravene (Fomivirsen)	ISIS Pharmaceuticals	CMV IE2	CMV retinitis	PS DNA	Approved
Affinitac (ISIS 3521)	ISIS	PKC- α	Cancer	PS DNA	Phase III
Genasense	Genta	Bcl2	Cancer	PS DNA	Phase III
Alicaforsen (ISIS 2302)	ISIS	ICAM-1	Psoriasis, Crohn's disease, Ulcerative colitis	PS DNA	Phase II/III
ISIS 14803	ISIS	Antiviral	Hepatitis C	PS DNA	Phase II
ISIS 2503	ISIS	H-ras	Cancer	PS DNA	Phase II
MG98	Methylgene	DNA methyl transferase	Solid tumors	PS DNA	Phase II
EPI-2010	EpiGenesis Pharmaceuticals	Adenosine A1 receptor	Asthma	PS DNA	Phase II
GTI 2040	Lorus Therapeutics	Ribonucleotide reductase (R2)	Cancer	PS DNA	Phase II
ISIS 104838	ISIS	TNF- α	Rheumatoid Arthritis, Psoriasis	2nd generation	Phase II
Avi4126	AVI BioPharma	c-myc	Restenosis, cancer, Polycystic kidney disease	3rd generation	Phase I/II
Gem231	Hybridon	PKA RI α	Solid tumors	2nd generation	Phase I/II
Gem92	Hybridon	HIV gag	AIDS	2nd generation	Phase I
GTI 2051	Lorus Therapeutics	Ribonucleotide reductase (R1)	Cancer	PS DNA	Phase I
Avi4557	AVI BioPharma	CYP3A4	Metabolic redirection of approved drugs	3rd generation	Phase I

almost universal applicability of antisense strategies to treat a broad range of diseases including viral infections, cancer and inflammatory diseases.

In 1998, the first (and to date only) antisense drug Vitravene (Fomivirsen), was approved by the US Food and Drug Administration [72]. The phosphorothioate DNA is intravitreally injected to treat cytomegalovirus-induced retinitis in patients with AIDS. Approval of Vitravene was a milestone for companies involved in the antisense field. The drug meets an important need for affected patients, but its application is rare so that it generated only about \$157 000 in sales for ISIS Pharmaceuticals (Carlsbad, CA, USA) and Novartis (Basel, Switzerland) in 2001 [16].

Three antisense phosphorothioate oligodeoxynucleotides are currently being investigated in Phase III trials. Affinitac (ISIS 3521) is targeted against the protein kinase C- α (PKC- α) for the treatment of non-small-cell lung cancer. The successful trial caught the attention of big pharmaceutical companies and led to a \$200 million deal between Eli Lilly (Indianapolis, IN, USA) and ISIS Pharmaceuticals [73]. This deal marked the recovery from a serious setback for ISIS in 1999, when Alicaforsen (ISIS 2302) failed to show significant efficacy in a Phase III study, where it was tested for treatment of Crohn's disease [74]. This AS-ON is now being investigated in a restructured Phase III trial. Genta (Berkeley Heights, NJ, USA) is developing the anticancer drug Genasense, which attacks the apoptosis inhibitor Bcl2 and shows antitumor responses in patients with malignant melanomas [75].

Further antiviral or anticancer phosphorothioate DNAs are being investigated in Phase I or II trials. Most of the antisense molecules currently being tested are intravenously or subcutaneously injected, but EpiGenesis Pharmaceuticals (Cranbury, NJ, USA) developed a 'respirable antisense-oligonucleotide' (RASON) targeting the adenosine A₁ receptor to treat asthma [76]. It has a duration of effect of approximately one week, giving it the potential to be the first once-per-week treatment for this disease.

Recently, results of a pilot study for the treatment of chronic myelogenous leukemia patients were presented [77]. Marrow cells were purged *ex vivo* with a phosphorothioate oligodeoxynucleotide against the short-lived *c-myc* proto-oncogene. The treatment led to major cytogenetic remissions in six of an evaluable 14 patients. An infusion trial with the *c-myc* AS-ONs in patients with refractory leukemia of all types has been approved and is expected to be started soon (A. M. Gewirtz, Division of Haematology/Oncology, University of Pennsylvania School of Medicine, Philadelphia, USA, personal communication).

Furthermore, several second generation ONs have reached the stage of clinical trials. ISIS 104838 against tumor necrosis factor α (TNF α) is being tested for the treatment of inflammatory diseases such as rheumatoid arthritis and psoriasis, and Hybridon (Cambridge, MA, USA) uses second generation drug candidates to treat cancer and HIV infections. Mixed backbone oligonucleotides consisting of phosphorothioate internucleotide linkages and four 2'-O-methyl RNA nucleotides at both ends were shown to have antitumor activity in mice after oral administration [78].

Mixed backbone oligonucleotides usually contain phosphorothioate internucleotide linkages even between the

2'-O-methyl nucleotides. Thus, the number of phosphorothioates is not decreased compared to an entirely phosphorothioate DNA ON, but for reasons unknown to date their toxicity is significantly reduced. Regardless of this open question, AS-ONs containing second generation modifications combine several advantageous properties, including higher *in vivo* stability, better pharmacological and toxicological profiles and the opportunity for oral administration.

Third generation AS-ONs with a morpholino-type backbone are being tested in Phase I and II clinical trials by Avi BioPharma (Portland, OR, USA). Avi4126 targets the oncogene *c-myc* and is used to treat restenosis, polycystic kidney disease and solid tumors [79]. A second MF-ON against cytochrome P450 (CYP3A4) is being designed for metabolic redirection of approved drugs. An N3'-P5'-thiophosphoroamidate that efficiently inhibited telomerase activity in spontaneously immortalized human breast epithelial cells [80] will soon be moved to clinical trials by Geron (Menlo Park, CA; S. Gryaznov, personal communication).

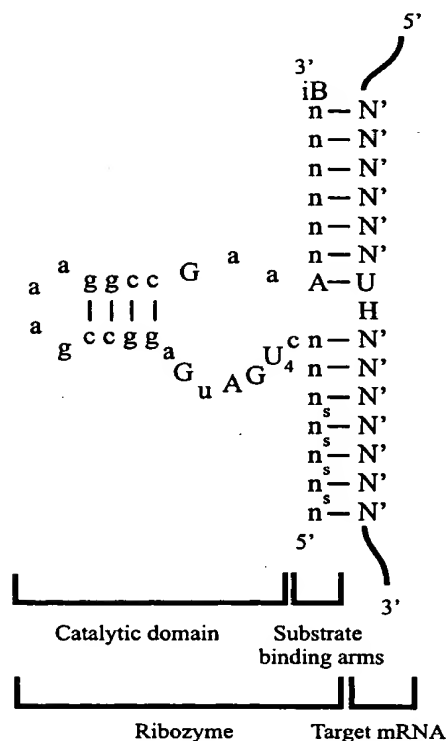
Although the AS molecules have been well-tolerated in most cases and some results were encouraging, no or only minor responses were achieved in several studies [81]. Taken together, an increasing number of AS-ONs have been investigated in different stages of clinical trials and a broad spectrum of diseases is addressed in these studies, but some questions remain to be answered. Solutions to major problems of serum-stability, bioavailability, tissue-targeting and cellular delivery urgently need to be found. Most of the antisense molecules used are still phosphorothioate oligodeoxynucleotides, but some second and third generation chemistry molecules are being tested and seem to provide favorable pharmacokinetic properties and the opportunity of oral administration.

Ribozymes

In the early 1980s, Cech and coworkers discovered the self-splicing activity of the group I intron of *Tetrahymena thermophila* [82,83] and coined the term 'ribozymes' to describe these RNA enzymes. Shortly thereafter, Altman and colleagues discovered the active role of the RNA component of RNase P in the process of tRNA maturation [84]. This was the first characterization of a true RNA enzyme that catalyses the reaction of a free substrate, i.e. possesses catalytic activity *in trans*. A variety of ribozymes, catalyzing intramolecular splicing or cleavage reactions, have subsequently been found in lower eukaryotes, viruses and some bacteria. The different types of ribozymes and their mechanisms of action have been described comprehensively [85–89] and the present review will therefore focus on the stabilization and medical application of the hammerhead ribozyme, which has been studied in great detail and is one of the most widely used catalytic RNA molecules.

The hammerhead ribozyme was isolated from viroid RNA and its dissection into enzyme and substrate strands [90,91] transformed this *cis*-cleaving molecule into a target-specific *trans*-cleaving enzyme with a great potential for applications in biological systems. This minimized hammerhead ribozyme is less than 40 nucleotides long and consists of two substrate binding arms and a catalytic domain (Fig. 5).

Hammerhead Ribozyme



DNA Enzyme

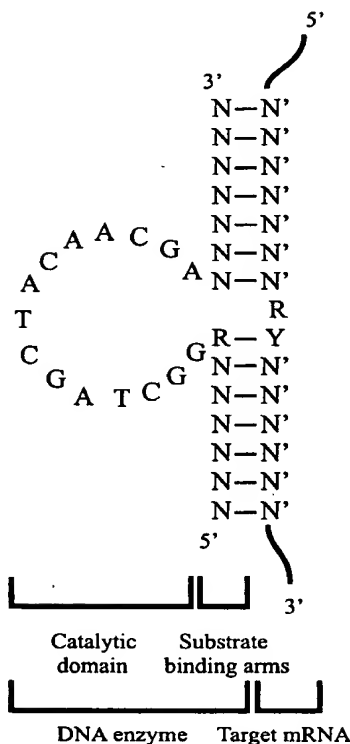


Fig. 5. Secondary structure models for the hammerhead ribozyme and the 10-23 DNA enzyme. A nuclease-resistant ribozyme according to Usman and Blatt [111] is shown. It consists of 2'-O-methyl RNA (lower case), five ribonucleotides (upper case), a 2'-C-allyluridin at position 4, four phosphorothioate linkages (s) and an inverted 3'-3' deoxabasic sugar. The DNA enzyme shown consists entirely of DNA nucleotides; R is a purine, Y is a pyrimidine.

For the development of a therapeutic hammerhead ribozyme similar problems have to be solved as described for AS-ONs. Some steps, however, are more challenging due to the catalytic nature of ribozymes. Firstly, suitable target sites have to be identified, secondly the oligoribonucleotides have to be stabilized against nucleolytic degradation and thirdly the ribozymes have to be delivered into the target cells.

Hammerhead ribozymes are known to cleave any NUH triplets (where H is any nucleotide except guanosine) with AUC and GUC triplets being processed most efficiently. Triplets with a cytidine or an adenosine at the second position were reported to be cleavable by hammerhead ribozymes [92], although these reactions occurred at lower rates. Due to secondary and tertiary structures of the target mRNAs, not all sequences that are theoretically cleavable by hammerhead ribozymes are suitable for practical applications. Therefore, several assays have been developed to identify accessible target sites.

A good correlation was found for regions of the c-myc mRNA that were accessible to AS-ON binding in an RNase H assay and their susceptibility to cleavage by ribozymes *in vitro* [93]. Oligonucleotide scanning of the DNA methyltransferase mRNA in cell extracts had also been found to be predictive for ribozyme activity in cell extracts and inside cells [94].

Another approach for the identification of active ribozymes was based on the usage of libraries with randomized substrate recognition arms. The hammerhead ribozymes have either been transcribed from expression cassettes [95] or were chemically synthesized [96]. A highly sophisticated method was developed, in which a sequence-specific library of hammerhead ribozymes was generated by partial digestion of the target cDNA and subsequent introduction of the catalytic domain into the library [97].

For applications in cell culture or *in vivo*, ribozymes can either be transcribed from plasmids inside the target cells or they can be administered exogenously. The first approach requires the design of expression cassettes with an RNA polymerase III promoter and stem-loop structures that stabilize the ribozyme (reviewed in [98]). Some gene therapy-based trials have been performed to treat individuals infected with HIV (summarized in [99]). Because the use of chemically synthesized ribozymes proved to be more straightforward, this approach will be discussed in more detail below. Due to the fact that RNA is rapidly degraded in biological systems, presynthesized ribozymes have to be protected against nucleolytic attack before they can be used in cell culture or *in vivo*.

Stabilization of ribozymes is even more difficult than protection of AS-ONs, as the introduction of modified

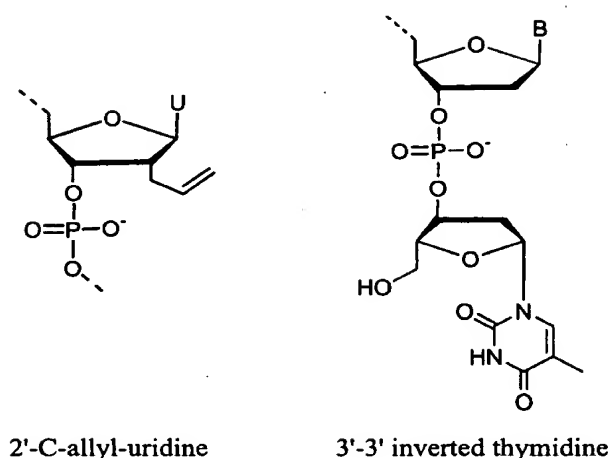


Fig. 6. Modified nucleotides used to stabilize ribozymes and DNA enzymes.

nucleotides very often leads to conformational changes that abolish catalytic activity. Based on a number of reports, in which sequence–function relationships in the hammerhead ribozyme were analyzed, a comprehensive study was performed using a great variety of modified nucleotides that led to an optimized design for a stabilized hammerhead ribozyme, which is almost as active as its unmodified parent [100]. The nuclease resistant ribozyme contains five unmodified ribonucleotides, a 2'-C-allyl uridine (Fig. 6) at position 4 and 2'-O-methyl RNA at all remaining positions. In addition, the 3' end was protected by an inverted thymidine. The serum half-life of the stabilized ribozyme is increased to more than 10 days compared to a less than 1 min half-life of the unmodified RNA ribozyme. A slightly improved version of this ribozyme with four phosphorothioate bonds in one substrate recognition arm and an inverted 3'-3' deoxyabasic sugar led to the design presented in Fig. 5 that is now used for clinical trials (see below).

The development of *in vitro* selection techniques using combinatorial libraries opened the road to generate ribozymes with advantageous properties such as the accessibility of new target sites [101], high activity under physiological Mg^{2+} concentrations [102] and enhanced biostability (reviewed in [103]). A highly active ribozyme against a *K-ras* target sequence could be selected in the presence of 2'-fluoro and 2'-amino modified ribonucleotides [104]. The optimized ribozyme that was named Zinzyme has a relatively high catalytic activity at 1 mM Mg^{2+} and cleaves a new Y-G-H (where Y is C or U, and H is A, C or U) target sequence. Two unmodified guanosines and two 2'-amino nucleotides are essential for cleavage activity, 2'-O-methyl RNA could be introduced at all other positions. The arms are further stabilized by phosphorothioate linkages and an inverted 3'-3' deoxyabasic sugar as described above. The Zinzyme has a half-life of > 100 h in human serum.

Ribonucleotides, which are highly susceptible to nucleases, could be avoided entirely by the selection of an RNA-cleaving DNA enzyme [105]. The most prominent deoxyribozyme, named '10-23', consists of a catalytic core of 15 nucleotides and two substrate recognition arms of 6–12

nucleotides on either arm (Fig. 5). It is highly sequence-specific and can cleave any junction between a purine and a pyrimidine (review [106]). A comparative study of hammerhead ribozymes and DNA enzymes targeting the same cleavage sites of a long mRNA revealed that no general conclusions can be drawn as to whether the hammerhead ribozyme or the DNA enzyme is more efficient, but the most active cleaver found in the study was a 10-23 DNA enzyme [11].

Addition of an inverted nucleotide at the 3' end enhanced serum stability of the 10-23 DNA enzyme 10-fold (the half-life of the modified DNA enzyme was 20 h compared to less than 2 h for the unmodified deoxyribozyme) [107]. DNA enzymes with a 3'-3' inverted thymidine have also been used in the first *in vivo* application and inhibited neointima formation after balloon injury [67]. Sequence requirements in the catalytic core of the 10-23 DNA enzyme were analyzed and revealed a higher degree of conservation at the borders than in between [108]. A DNA enzyme with optimized substrate recognition arms and a partially protected catalytic domain possessed not only increased nuclease resistance but also enhanced catalytic activity [S. Schubert and J. Kurreck, unpublished results].

For transfection of eukaryotic cells with ribozymes, similar strategies can be used as have been described above for AS-ONs. Again, cationic lipids are most commonly used for cell culture experiments, but successful application of ribozymes in an animal model was demonstrated in the absence of any delivery system [109]. Chemically stabilized ribozymes were taken up by cells in the synovial lining after intra-articular administration and reduced the interleukin 1 α -induced stromelysin mRNA. Higher transfection efficiencies can, however, usually be achieved with delivery systems. In addition, it could be shown that low molecular mass poly(ethylenimine) not only mediates highly efficient cellular uptake of ribozymes but also stabilizes RNA against nucleolytic degradation [110]. Poly(ethylenimine)-complexed ribozymes consisting of unmodified RNA were stable in cell culture and *in vivo*, and reduced tumor growth in a mouse xenograft model.

One of the leading companies in the field, Ribozyme Pharmaceuticals (Boulder, CO, USA), performs clinical trials (Table 2) using stabilized hammerhead ribozymes [111] as well as Zinzymes. ANGIOZYME is a stabilized hammerhead ribozyme that is targeted against the vascular endothelial growth factor (VEGF) receptor. It is designed to reduce tumor growth by inhibition of the formation of new blood vessels (angiogenesis). An additional benefit is expected from the combination of ANGIOZYME with chemotherapy in the treatment of metastatic colorectal

Table 2. Chemically synthesized ribozymes of Ribozyme Pharmaceuticals in ongoing clinical trials (P. Pavco, Ribozyme Pharmaceuticals, personal communication).

Product	Target	Disease	Status
ANGIOZYME	VEGF-receptor 1	Metastatic colorectal cancer	Phase II
HERZYME	HER-2	Cancer	Phase I

cancer. For further details about the current status of ribozymes as therapeutic agents for cancer and problems in progressing from cell culture studies to *in vivo* models and clinical trials, see Wright and Kearney [112].

HEPTAZYME is another modified hammerhead ribozyme that cleaves the internal ribosome entry site of the Hepatitis C virus. The ribozyme was demonstrated to inhibit viral replication up to 90% in cell culture [113]. HEPTAZYME was tested in a Phase II study, but is no longer in a clinical trial (P. Pavco, Ribozyme Pharmaceuticals, personal communication). HERZYME is a Zinzyme that is targeted against the human epidermal growth factor-2 (HER2), which is overexpressed in certain breast and ovarian cancers. This ribozyme is being tested in a Phase I trial (P. Pavco, Ribozyme Pharmaceuticals,

personal communication) to gain information about the safety and the adequateness of the pharmacokinetics of HERZYME.

RNA interference

Only recently, research in the antisense field increased in impact by the discovery of RNA interference (RNAi). This naturally occurring phenomenon as a potent sequence-specific mechanism for post-transcriptional gene silencing was first described for the nematode worm *Caenorhabditis elegans* [114]. Due to the advances made in the RNAi field during the last two years, numerous reviews have been published only recently [115–117]. RNA interference is initiated by long double-stranded RNA molecules, which

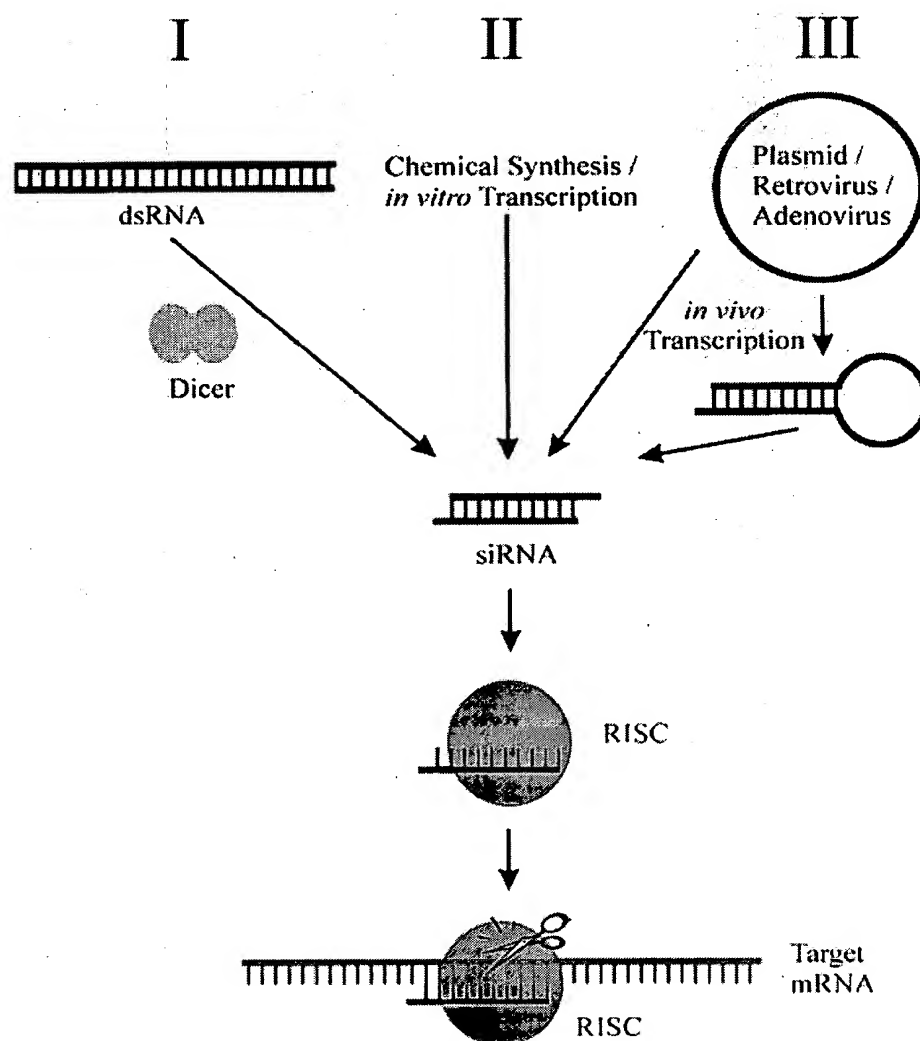


Fig. 7. Gene silencing by RNA interference (RNAi). RNAi is triggered by siRNAs, which can be generated in three ways. (I) Long double-stranded RNA molecules are processed into siRNA by the Dicer enzyme; (II) chemically synthesized or *in vitro* transcribed siRNA duplexes can be transfected into cells; (III) the siRNA molecules can be generated *in vivo* from plasmids, retroviral vectors or adenoviruses. The siRNA is incorporated into the RISC and guides a nuclease to the target RNA.

are processed into 21–23 nucleotides long RNAs by the Dicer enzyme (Fig. 7). This RNase III protein is thought to act as a dimer that cleaves both strands of dsRNAs and leaves two-nucleotide, 3' overhanging ends. These small interfering RNAs (siRNAs) are then incorporated into the RNA-induced silencing complex (RISC), a protein-RNA complex, and guide a nuclease, which degrades the target RNA.

This conserved biochemical mechanism could be used to study gene functions in a variety of model organisms, but its application to mammalian cells was hampered by the fact that long double-stranded RNA molecules induce an interferon response. It was therefore a revolutionary breakthrough, when Tuschl and coworkers could show that 21 nucleotide-long siRNA duplexes with 3' overhangs can specifically suppress gene expression in mammalian cells [2]. This finding triggered an enormous number of studies using RNAi in mammalian cells, as it is thought to provide a significantly higher potency compared to traditional antisense approaches.

Interestingly, not only short double-stranded RNA molecules but also short hairpin RNAs (shRNAs), i.e. fold-back stem-loop structures that give rise to siRNA after intracellular processing, can induce RNA interference [118,119]. This opened up the possibility of constructing vectors expressing the interfering RNA for long-term silencing of gene expression in mammalian cells (summarized in [117,120]). Short hairpin RNA was transcribed using RNA polymerase III promoters that normally control the transcription of either the small nuclear RNA U6 [118,119,121,122] or the H1 RNA component of RNase P [123]. Alternatively, two short RNA molecules were transcribed separately using two U6 promoters [118,124,125]. Vector-mediated expression of siRNA allows the analysis of loss-of-function phenotypes that develop over a longer period of time. In stably transfected cells, silencing was observed even after two months [123].

An alternative approach to prolong siRNA-mediated inhibition of gene expression is the introduction of modified nucleotides into chemically synthesized RNA, despite the fact that even unmodified short double-stranded RNA revealed an unexpectedly high stability in cell culture and *in vivo*. For certain applications, however, further enhancement of the siRNA stability might be desirable. Therefore, modified nucleotides were introduced to the ends of both strands [126]. A siRNA with two 2'-O-methyl RNA nucleotides at the 5' end and four methylated monomers at the 3' end was as active as its unmodified counterpart and led to a prolonged silencing effect in cell culture. Extension of the methylated stretch of nucleotides as well as the introduction of nucleotides with a bulky 2'-allyl substituent resulted in decreased siRNA activity.

For the first *in vivo* studies of RNA interference in mammals the siRNA or a plasmid coding for shRNA was delivered using rapid injection of a large volume of physiological solution into the mouse tail vein [127,128]. Expression of reporter genes that were either encoded on cotransfected plasmids or in transgenic mouse strains could efficiently be inhibited in most of the organs. In addition, the *Fas* gene has been targeted as an endogenous, therapeutically relevant target for liver injury [129]. After siRNA injection, the *Fas* mRNA and protein levels were reduced in

mouse hepatocytes for 10 days. Silencing *Fas* protected mice from fulminant hepatitis induced by injection of agonistic *Fas*-specific antibody; 82% of mice treated with siRNA survived the 10 days of observation, whereas all control animals died within three days.

The high-pressure delivery technique used in the studies described above is, however, a rather harsh method that might influence results and cannot be used for therapeutic applications. Therefore, methods known from standard gene therapy have been adapted for RNA interference. A retroviral vector was used to deliver siRNA that inhibited the carcinogenic *K-ras* allele in human pancreatic tumor cells [130]. Down-regulation of *K-ras* expression in carcinoma cells abolished their ability to form tumors after subcutaneous injection into athymic nude mice. This study also demonstrated the high specificity of siRNA, as only the carcinogenic *K-ras* but not the wild type *K-ras* allele, which differs by only one base pair, was silenced. Furthermore, GFP expression could be suppressed in the brain of transgenic mice after injection of adenovirus vectors expressing siRNA into the striatal region [131]. Activity of endogenous β -glucuronidase could be decreased by injecting recombinant adenoviruses into the mouse tail vein. Interestingly, an RNA polymerase II expression cassette with a CMV promoter and a minimal poly(A) was used for the latter experiments, opening the door to design tissue-specific or inducible siRNA vectors.

Taken together, first promising *in vivo* experiments with siRNA have already been performed and further therapeutically important genes are expected to be targeted soon. No toxic reactions after siRNA application have been observed in the studies performed to date, but great care has to be taken to rule out severe side-effects of long-term induction of RNAi before trials can be started to treat human diseases. Because silencing of gene expression by siRNAs is similar to traditional antisense technology, researchers will be able to benefit from the lessons learned for more than a decade such as the requirement to use proper controls to proof a specific knock-down of gene expression and a careful analysis of possible unspecific effects mediated by the immune system.

Summary

After a long period of ups and downs, antisense technologies have gained increasing attention in recent years. Major improvements have been achieved by the development of modified nucleotides that provide high target affinity, enhanced biostability and low toxicity. As most of the new DNA analogs do not induce RNase H cleavage, the design of antisense-oligonucleotides has to be adjusted depending on whether the target mRNA has to remain intact, e.g. for alteration of splicing, or should be degraded (gapmer technology). Stable ribozymes with high catalytic activity were obtained by systematically modifying naturally occurring ribozymes or by *in vitro* selection techniques. Several antisense-oligonucleotides and ribozymes are currently being investigated in clinical trials and one antisense drug was approved in 1998. A major breakthrough was the discovery that short double-stranded RNA molecules can be used to silence gene expression specifically in mammalian

cells. This method has a significantly higher efficiency compared to traditional antisense approaches and some promising *in vivo* data have already been presented. Therefore, antisense technologies can be expected to be widely used for studies of genes with unknown function, for target validation in drug development and finally, of course, for therapeutic purpose.

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Certificate of Experimental Results (1)

19 November 2002

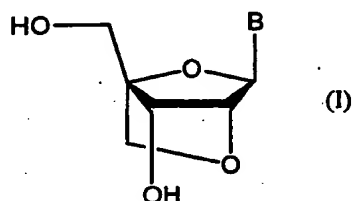
(Abstract)

Compounds of this invention were evaluated for nuclease resistance. From the results, it was clear that this invention has an inventive step in the light of the prior arts cited in the Official Report.

(Methods and Results)

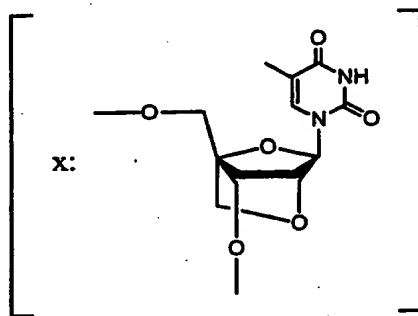
(a) Synthesis of a reference compound

The four citations cited by the examiner contain a 2'-O,4'-C-methylene nucleoside having the following structure (I).



Oligonucleotide A, which contains the 2'-O,4'-C-methylene nucleoside of (I), was synthesized according to the method described in WO98/39352 and its nuclease resistance was compared with oligonucleotides containing the invented nucleosides.

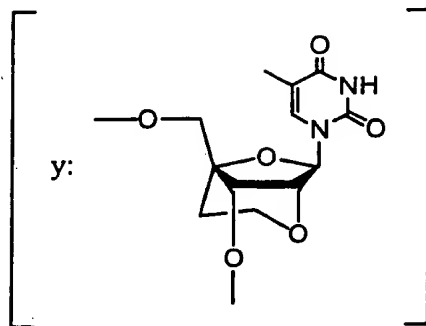
Oligonucleotide A: 5'-ttt ttt ttt ttt-3'



(b) Synthesis of a compound of this invention

Oligonucleotide B, which contains the invented nucleosides, was synthesized according to the method described in the specification of this application.

Oligonucleotide B: 5'-ttt ttt ttt tyt-3'



(c) Assay method of nuclease resistance of oligonucleotides and results

We tested the resistance of oligonucleotide A and oligonucleotide B against snake venom phosphodiesterase according to the method of Test Example 2. Oligonucleotides of 26 µg/ml were added to a solution containing 50 mM Tris-HCl (pH 8.0) and 10 mM MgCl₂. The nuclease-resistance activity was defined as the percent ratio of remaining oligonucleotides compared with the initial levels. The results are shown in Table 1.

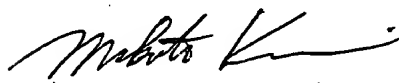
Table 1. Percentage of remaining oligonucleotides.

Sample	0 min	30 min	120 min
Oligonucleotide A	100	15	not detected
Oligonucleotide B	100	90	82

(Discussion)

Although oligonucleotide A was no longer detected after 120 min of incubation, 82% of oligonucleotide B still remained. It turned out that oligonucleotide B of this invention had a much higher nuclease-resistance activity than oligonucleotide A of the prior art. The remarkably high nuclease-resistance activity of a compound of this invention is not obvious for the person skilled in the art. Since the role of the ring structure of the invented nucleosides is not only structural, they are thought to have an inventive step in the light of the prior arts.

Exploratory Chemistry Research Laboratories
Sankyo Co., Ltd.


Makoto Koizumi, Ph.D.

Certificate of Experimental Results (4)

1 March 2006

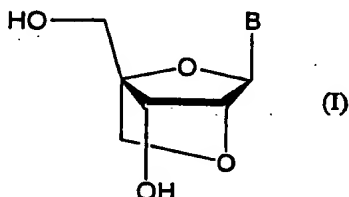
(Abstract)

Compounds of this invention were evaluated for snake venom phosphodiesterase (3'-exonuclease) resistance. From the results, it was clear that this invention has an inventive step in the light of the prior arts cited in the Official Report.

(Methods and Results)

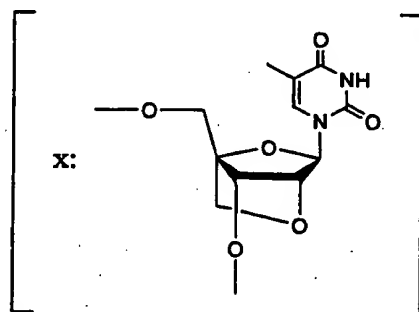
(a) Synthesis of a reference compound

The four citations cited by the examiner contain a 2'-O,4'-C-methylene nucleoside having the following structure (I).



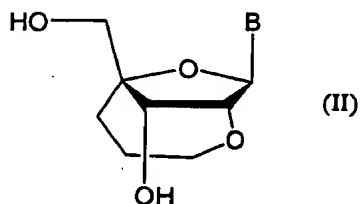
Oligonucleotide A was synthesized as described in "Certificate of Experimental Results (1)".

Oligonucleotide A: 5'-ttt ttt ttt txt-3'



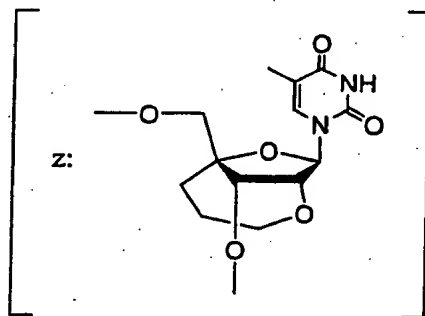
(b) Synthesis of a compound of this invention

A 2'-O,4'-C-propylene nucleoside having the following structure (II) is one of invented nucleosides.



Invented nucleoside (II) and the corresponding 5'-O-(4,4'-Dimethoxytrityl)-2'-O,4'-C-propylene-5-methyluridine-3'-O-(2-cyanoethyl *N,N*-diisopropyl)phosphoramidite were synthesized as described in Bioorg. Med. Chem. (2003) 11; 2211-2226. Oligonucleotide M, which contains the invented nucleoside (II), was synthesized according to the method described in the specification of this application. The purified oligonucleotide M was analyzed by Reverse phase HPLC (column: Tosoh super ODS, 4.6 x 50 mm, solution A: 5% acetonitrile, 0.1M triethylammonium acetate (TEAA, pH 7.0), solution B: 25% acetonitrile 0.1 M TEAA (pH 7.0), B% 10 – 50% (10 min), flow rate: 1 ml/min, column temp. 60°C, 260 nm). Retention times: 10.39 min. The structure of Oligonucleotide M was determined by negative-ion ESI mass spectroscopy: calcd: 3745.50, found: 3745.05.

Oligonucleotide M: 5'-ttt ttt ttt tzt-3'



(c) Assay method of nuclease resistance of oligonucleotides and results

A 40-μg of each oligonucleotide was solved in 750-μl of sterilized water and 200-μl of a buffer containing 250 mM Tris-HCl (pH 8.0) and 50 mM MgCl₂. 190 μl aliquots of each mixture were taken for the analysis of the initial amount. 40-μl of 25 μg/mL snake venom phosphodiesterase (This solution was prepared by dilution of 2 mg/mL snake venom phosphodiesterase (Worthington) with sterilized water and was used immediately after this preparation. Final concentration of snake venom phosphodiesterase: 1.25 μg/ml; final concentration of the oligonucleotides: 40 μg/ml) was added to the mixture (760-μl) and then incubated at 37°C. At the time points of 0, 10 and 90 min, 200-μl aliquots were taken and immediately were heated at 90°C for 2.5 min. 50-μl of reaction

mixtures were taken as samples for HPLC analyses. Reverse phase HPLC analyses were carried out with a gradient of acetonitrile and a constant of 0.1 M triethylammonium acetate (pH 7.0) (column: Tosoh super ODS, 4.6 x 50 mm, flow rate: 1 ml/min, 260 nm).

Table 1. Percentage of remaining oligonucleotides.

Sample	0 min	10 min	120 min
Oligonucleotide A	100	not detected	not detected
Oligonucleotide M	100	94	68

(Discussion)

Although no oligonucleotide A of the prior art was detected after 10 min of incubation, 94% of Oligonucleotide M still remained. It turned out that oligonucleotide M of this invention had a much higher nuclease-resistance activity than oligonucleotide A of the prior art. The remarkably high nuclease-resistance activity of a compound of this invention is not obvious for the person skilled in the art. Since the role of the ring structure of the invented nucleosides is not only structural, they are thought to have an inventive step in the light of the prior arts.

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